United Nations S/2005/390

Security Council

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Letter dated 8 June 2005 from the Permanent Representative of the Republic of Yemen to the United Nations addressed to the President of the Security Council

In response to the allegations in the report of the Monitoring Group on Somalia (S/2005/153, enclosure) regarding my country, I have the honour to submit herewith the observations of the Government of the Republic of Yemen on the report (see annex).

We would greatly appreciate it if these observations could be circulated as a document of the Security Council.

(*Signed*) Abdullah M. **Alsaidi**
Ambassador
Permanent Representative

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Annex to the letter dated 8 June 2005 from the Permanent Representative of the Republic of Yemen to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Response to statements made in the report of the Monitoring Group on Somalia contained in document S/2005/153

1. **The introduction to the report contains the following statement, on page 4**:

> The Bakaaraha arms market inside Somalia, particularly in Mogadishu, and the arms market in a neighbouring Gulf State continue to play central roles as sources of arms that fuel violent clashes and remain an obstacle to peace and stability in Somalia. These markets are also one of the main causes underlying the many arms-related problems in the front-line States.

Response

Pursuant to Act No. 40 of 1992, the arms market in the Republic of Yemen no longer legally exists as from the beginning of 2003, when the Government took a decision to abolish the arms market and to cancel the permits granted for that purpose. This is in contrast to the earlier situation to which the report refers and which is no longer the case at present.

2. **On page 4 one also finds the following statement**:

> The Monitoring Group has investigated arms shipments that were offloaded from container ships at a neighbouring country's seaport and transported to Somalia by a combination of road and dhows.

Response

The paragraph is unclear and the accused party unknown. However, Yemen has no land borders with Somalia across which weapons might be transported to Somalia by land. There are other parties, however, that have the capacity to carry out such combined sea-and-land activity, but the Republic of Yemen is not one of them.

3. **Paragraph 10 of the report states the following**:

> The predominant means of transport of the arms were ocean-going freighters, dhows and surface vehicles over the local road networks in the neighbouring States and Somalia.

Response

Lack of clarity and generalization continue to prevail in the report. In addition, the shipment of arms involves transport over local road networks between neighbouring countries and Somalia, a condition that applies to neighbouring countries adjacent to Somalia, of which the Republic of Yemen is not one. Moreover, since the outbreak of the crisis, the Republic of Yemen has had no sea lines with Somalia.

4. **Paragraph 33 contains the following statement**:

> Yemeni nationals provide instructions on the use of heavy weapons that were purchased from the arms market in Yemen.

Response

The report does not specify when and how this has taken place or whether the parties that are behind it are official or not. Furthermore, the notion of "Yemeni nationals" (*ra'aya*) gives one to understand indulgence on the part of another State through the granting of protection (*ri'ayah*) to persons of Yemeni nationality in respect of such operations. The mother country, the Republic of Yemen, has no role in this when we consider that it deals with its people as citizens (*muwatinin*), not as "nationals" (*ra'aya*).

5. **In paragraph 72 we find**:

> The increased sophistication of traditional wooden dhows compounded by their lack of regulation and proper registration (at least in Somalia) has made them the mode of choice for arms embargo violators, in particular for arms originating from neighbouring Gulf States.

Response

The accusation is levelled against users of unregistered Somali vessels and the transport of weapons to Somalia, especially from "neighbouring Gulf States". Our country is the first to be harmed by this situation owing to its adverse effects on security and the role of such vessels in contraband operations, the smuggling of refugees and the conducting of prohibited commercial activities harmful to our country's economy and security.

6. **On page 20, under the heading "Case study No. 1", one finds the following**:

> To date, the Monitoring Group is aware of five arms purchases from Irtogte, and an additional purchase made directly from a neighbouring Gulf State.

Response

As mentioned previously, the Republic of Yemen is not concerned with responding to allusions in the report that tend to point an accusing finger at neighbouring States. There are numerous Gulf States not referred to by name in the report. Our country is implicitly one of the States of the region of the Gulf and the Arabian Peninsula. In more than one paragraph, however, the report alludes to our country by name. This twofold manner of allusion thus invalidates the accusation.

7. **On page 20, under the heading "Direct Purchase from the arms market of a Neighbouring Gulf State", one finds the following**:

> On 17 November 2004, a single ship with a foreign registration arrived from a neighbouring Gulf State at the port of Marka in southern Mogadishu carrying a shipment of arms. The arms consisted of PKM machine guns, RPG-7 rocket launchers, hand grenades, anti-tank mines, different types of ammunition and TNT (explosives). The shipment of arms was shared between the above-named individual and two other men, Sheikh Hassan Dahir Aweys and General Mohamed Nur Galal. All three are associated with al-Ittihad. The shipment was organized by a commercial front company.

When the ship arrived at the port of Marka, it was flying a Somali flag. When it returned to the waters of the same neighbouring Gulf State, it changed its flag to avoid possible problems with customs and police authorities of that State.

Response

As much as the report is clear in specifying the parties benefiting in Somalia from the shipment that arrived aboard a vessel with a "foreign" registration, it returns to the usual ambiguity regarding the role of a neighbouring Gulf State as the source of the shipment. This obscurity and the absence of any evidence, not to mention the failure to mention the time frame within which the incidents occurred, render it difficult to grasp the facts of the matter and to respond.

8. **Paragraph 85 of the report states**:

Yemen: As reported in paragraph 170 of its previous report (S/2004/604), the Monitoring Group is still awaiting the responses to its list of questions submitted to the Government of Yemen during the visit of the Monitoring Group to Yemen in April 2004. In December 2004, during a briefing by a representative of the Permanent Mission of Yemen to the United Nations to the members of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, at which the members of the Monitoring Group were also present, it was reported that Yemeni officials had intercepted two ships with weapons destined for Somalia in 2002 and 2004 respectively.

Response

The responses were submitted in time, in May 2004, through the United Nations Development Programme (UNDP) office in Sana'a. In addition, the Permanent Representative of the Republic of Yemen to the United Nations informed the members of the Security Council and the members of the Committee concerned as well as the members of the Monitoring Group, at the Committee meeting held in December 2004, of the course of events and the contents of the report sent the Organization. In compliance with a request by the Monitoring Group in January 2005, the responses were submitted again during February 2005 and were circulated to the Security Council sanctions administration and the Chairman and members of the Security Council Committee concerned.

9. **Paragraph 86 states the following**:

It is important to note that during the same presentation, the Yemeni representative informed the Committee that the responses requested by the Monitoring Group had been submitted to the office of the United Nations Development Programme in Yemen. However, the Monitoring Group has never received those responses. The Monitoring Group therefore wrote to the Government of Yemen on 13 January 2005 seeking further information regarding the above-reported interceptions. It also reminded the Government of the fact that the Monitoring Group was still awaiting a response to its questions, which the authorities had promised to submit to the Monitoring Group in May 2004. The list of questions submitted is set out in annex III to the present report.

Response

Same response as in the previous section.

10. **Paragraph 102 contains the following statement**:

> The Monitoring Group is convinced that another arms market, located in Yemen, operates in conjunction with the Bakaarah arms market by functioning as a continuing source for the arms routinely received by the Bakaarah arms market. The impact of the existence of these two arms markets on the instability of Somalia, particularly with regard to the many arms-related problems from which the front-line States suffer, should not be underestimated.

Response

The report does not specify the time period during which, according to the report, the arms market in Yemen played a role in supplying weapons to the arms market in Somalia and is lacking in information and details on which to base those conclusions. However, in 2003 the Republic of Yemen closed such markets in accordance with the law and withdrew permits for the buying and selling of weapons, as a phenomenon that is against the laws and regulations in force at present.

11. **Paragraph 109 contains the following**:

> Recalling the arms recommendation of the Monitoring Group in its previous report (S/2004/604) and elevating awareness at the international, regional and State levels of the dangerous contributions made by the Bakaarah arms market, including the arms market of the neighbouring Gulf State, to the continued destabilization of Somalia and the borders and arms-related internal problems in front-line States;
>
> Encouraging regional and other States to exercise diplomatic pressure on the neighbouring Gulf State to take strong restrictive measures to control the sale and clandestine movement of arms out of that country to Somalia and other States.

Response

Same as in the previous section.

12. **Annex II to the report asserts the following**:

> During the period 1-3 November 2002 a principal arms trader at the Irtogte market and a vice-minister in the Transitional Federal Government purchased arms from a neighbouring Gulf State and exported them to the Irtogte market for the purpose of selling them for profit. The arms in question were AK-47 assault rifles, PKM machine guns, RPG-7 rocket launchers and ammunition.

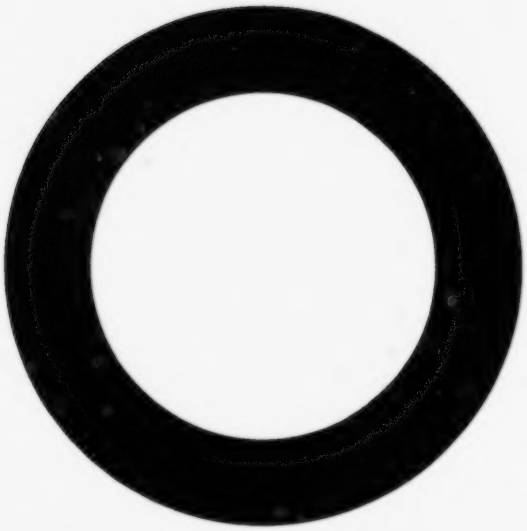
Response

The accusations levelled by the international Monitoring Group in document S/2004/604 that arms from the Republic of Yemen have reached Somalia were answered during the visit of the delegation from the Security Council Committee to the capital Sana`a in early 2004. At that time, the local authorities put the members of the delegation "in the picture" concerning the measures taken to implement the

embargo and stated their willingness to assist the Committee and the Group in carrying out joint missions aimed at that implementation. To that end, the competent authorities in Yemen requested the Security Council Committee to furnish full information, including the names of the entities and persons involved in such action in order that the necessary steps might be taken. To date, nothing of the kind has been received.

* * *

In fine, the Republic of Yemen considers that the Monitoring Group of the Security Council Committee established pursuant to resolution 751 (1992), concerning the imposition of an embargo on the supply of arms to Somalia, should cooperate with Somalia's neighbouring States. It is also extremely important for the implementation of the embargo that the work of the Group be characterized by greater clarity, transparency and trust.



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Seventh progress report of the Secretary-General on the United Nations Mission in Liberia

I. Introduction

1. By its resolution 1561 (2004) of 17 September 2004, the Security Council extended the mandate of the United Nations Mission in Liberia (UNMIL) until 19 September 2005 and requested me to continue to report periodically on progress in the implementation of its mandate. The present report covers developments since my report of 17 March 2005 (S/2005/177).

II. Major political developments

2. During the reporting period, progress in the implementation of the Comprehensive Peace Agreement continued to be mixed.

3. Encouraging progress was made in the resettlement of internally displaced persons, repatriation of refugees, repatriation of Liberian ex-combatants and former Armed Forces of Liberia personnel from Sierra Leone, extension of State authority throughout the country, and training and restructuring of the Liberian National Police.

4. Preparations for the elections remained on track. The voter registration process, which took place from 25 April to 21 May, was successful. Following the commencement of the voter registration process, political parties increased their activities, including by holding primaries to elect presidential candidates. Fifty individuals have so far announced their intention to run for the presidency. The total number of registered political parties is now 24, and another 12 political groups are in various stages of registration. The political parties have continued to discuss among themselves possible alliances and coalitions in the build-up to the elections; the Liberian People's Party and the United People's Party formally agreed to an alliance on 27 April.

5. No incidents of violence were reported during the holding of the primaries or canvassing for members by political parties. The disputes within the former Liberians United for Reconciliation and Democracy (LURD) faction also appear to have subsided. One group of the faction, led by Sekou Conneh, is registering as a political party. The other group, the LURD-Freedom Alliance, led by Kabineh

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Ja'neh, currently Minister of Justice and Attorney General, has not yet made its intentions clear.

6. While these developments are encouraging, the process of peace consolidation faced a number of problems. In this regard, the programmes for the reintegration of ex-combatants and the restructuring of the Armed Forces of Liberia continued to be plagued by a lack of adequate funding.

7. The poor performance of the National Transitional Government of Liberia in the key area of economic governance also became the focus of attention of some of Liberia's international partners. The International Contact Group on Liberia, the Economic Community of West African States (ECOWAS), the European Commission, the Implementation Monitoring Committee and UNMIL explored initiatives to enhance economic governance and transparency in the Government's management of public funds. In addition, the International Contact Group on the Mano River Basin, during its meeting in Stockholm on 21 April, called on the National Transitional Government of Liberia to take prompt and effective action on reported cases of corruption.

8. Furthermore, ECOWAS, with the agreement of the Chairman of the National Transitional Government of Liberia, Charles Gyude Bryant, decided to dispatch a team of investigators to look into allegations of corruption within the National Transitional Government. During its investigations, the ECOWAS team encountered resistance from some Government Ministers and other officials. They also met with resistance from the Liberian Institute of Certified Public Accountants, which filed a petition for a writ of prohibition from the Supreme Court to restrain public officers from cooperating with the investigation, claiming that it violated Liberia's sovereignty. The writ was refused by the Supreme Court on 14 April. Chairman Bryant also urged Government officials to cooperate with the ECOWAS team.

9. On 11 May, representatives of the United Nations, the European Commission, the World Bank, the International Monetary Fund, ECOWAS and the United States Government met in Copenhagen to explore how best to address the issue of improving economic governance by the National Transitional Government of Liberia. They reviewed the reports of the European Commission-financed audits of the Central Bank of Liberia and five State-owned enterprises, and noted that the technical and policy advice on economic governance-related issues given to the National Transitional Government over the past 18 months had not achieved the desired results, due to a lack of willingness on the part of the Government to institute reforms. They concluded that financial malfeasance and a lack of transparency and accountability were undermining the implementation of the Comprehensive Peace Agreement. They therefore agreed to develop an economic governance action plan, to be presented to the Government for implementation and submitted to the Security Council for its consideration.

10. Furthermore, tensions stemming from the suspension on 14 March of the Speaker, his Deputy and the Chairpersons of the Ways and Means Committee and the Rules and Orders Committee for administrative and financial malpractice have continued in the National Transitional Legislative Assembly. A petition filed by the suspended officials is still pending before the Supreme Court. The National Transitional Legislative Assembly has maintained that the judiciary has no jurisdiction over its internal processes and has continued to function under the leadership of a newly elected Acting Speaker and Deputy Speaker.

11. Concerns about the lack of progress in improving the quality of life of the general population are increasing, particularly given the recent rise in the prices of essential commodities, including rice, fuel and cement. Although the National Transitional Government of Liberia has adopted regulations to control prices, these have not been enforced, mainly because of corruption.

12. Concerns about former President Charles Taylor's continued interference in the political process in Liberia have increased. Media reports, citing the Prosecutor of the Special Court for Sierra Leone, indicated that Mr. Taylor may have travelled to Burkina Faso earlier this year to meet with one of the Liberian presidential candidates. These reports have been strongly denied by the Nigerian authorities. During the second meeting of the National Transitional Government of Liberia-United Nations-ECOWAS Coordination Mechanism, held in Abuja on 26 May, ECOWAS called on those who had accused Mr. Taylor of violating the conditions of his asylum in Nigeria to provide evidence thereof. Meanwhile, Mr. Taylor's political party is currently divided over allegations that during the recent party primaries he made telephone calls to influence the voting, leading to the withdrawal of one candidate from the primaries.

III. Monitoring the implementation of the Comprehensive Peace Agreement

13. The Implementation Monitoring Committee and the International Contact Group on Liberia continued to meet regularly. The latter held weekly meetings, chaired by Chairman Bryant, to review the progress made in the peace process and to address emerging issues in a coordinated manner.

14. At the second meeting of the National Transitional Government of Liberia-United Nations-ECOWAS Coordination Mechanism referred to in paragraph 12, the progress and remaining challenges in implementing the Comprehensive Peace Agreement were examined. The meeting welcomed the decision taken by international partners to develop the economic governance action plan and the proposal to submit it for the consideration of the Security Council. It also emphasized that security-sector reform should include the rehabilitation of the judicial, penal and immigration sectors and called for the adoption of clear, well-defined and transparent criteria to guide individuals' inclusion in or exclusion from the sanctions list.

IV. Deployment of the United Nations Mission in Liberia

15. As at 1 June, UNMIL troop strength stood at 14,836 (see annex). The Mission has now completed its deployment to all 15 counties. During the reporting period, new deployments were aimed at ensuring effective security for the electoral process. In that regard, an Ethiopian company was deployed to Barclayville in Grand Kru County, while two Pakistani companies were deployed to Bopolu in Gbarpolu County and to Foya in Lofa County.

16. As at 1 June, UNMIL civilian police strength stood at 1,064, of an authorized ceiling of 1,115, including 480 officers in four formed police units and 18 corrections officers. In addition to deployments in Monrovia, UNMIL civilian police

continued to maintain a presence at the Roberts International Airport, the Spriggs Payne Airport, the Freeport of Monrovia and 24 other locations throughout the country.

17. In my last report (S/2005/177), I recommended that the Council authorize the deployment of a fifth formed police unit, composed of 120 officers, for an interim period of six months commencing in August, to enhance the Mission's capability to respond to security emergencies during the electoral period. The deployment is most important to provide UNMIL with the requisite capacity for maintaining security during the electoral period. Therefore, I would once again recommend that the Council authorize this urgently needed deployment.

18. With regard to civilian personnel, of an authorized total of 635, UNMIL currently has 494 international staff, 30 per cent of whom are women. The Mission also has 441 United Nations Volunteers, 179 of whom are working on the elections, as well as 727 national staff.

V. Security situation

19. During the reporting period, the overall security situation remained fragile, with a general climate of uneasy calm. The most serious threat to stability came from ex-combatants awaiting reintegration opportunities. Many of these ex-combatants held violent demonstrations to demand reintegration benefits and opportunities. They also threatened to disrupt the elections and to attack UNMIL personnel. Continued delays in providing these idle ex-combatants with reintegration opportunities leave them open to exploitation by manipulative political elements, particularly during the electoral period.

20. Organized groups of ex-combatants with links to influential members of the former armed factions are also illegally occupying the Guthrie rubber plantation, located on the border of Bomi and Grand Cape Mount Counties. In addition, organized groupings in Nimba County have held violent protests, demanding that the National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration pay fees to schools that they had been attending but that had not been authorized by the National Commission to enrol ex-combatants.

21. Some Liberians have expressed concern that there may still be weapon caches in some parts of the country, including Monrovia and the Guthrie rubber plantation. However, the information received by UNMIL so far has not led to any significant discoveries of such caches. The Mission continues to conduct cordon-and-search operations on the basis of information received.

22. Another threat to Liberia's fragile stability is the "coalition of unwilling political forces", which includes individuals who are barred by the Comprehensive Peace Agreement from contesting the 11 October national elections, those on the Security Council travel-ban and assets-freeze lists and those who are benefiting economically from Liberia's instability and lack of Government authority. Such individuals are not interested in the consolidation of peace and democracy in the country.

23. Ethnic clashes also continued to pose a threat to security. On 3 April, a clash occurred between members of the Gio and Krahn ethnic groups at Youpie Podogle, Nimba County. The dispute dates back to January, when the Gios from New Youpie

prevented the Krahn from Old Youpie from collecting the remains of nine Krahns killed during the civil war. On 21 May, violent clashes over disputed property also took place in Lofa County between members of the Lorma and Mandingo ethnic groups. Also, during the voter registration process, there were allegations that some registrars were denying individuals of Mandingo origin the right to register to vote, on the grounds that they were foreigners. However, an assessment conducted by UNMIL determined that there was no evidence that a particular ethnic group was being targeted by the registrars and that the attempts by foreigners to register were minimal.

24. UNMIL troops continued to provide umbrella security throughout the country and to work on creating a safe and stable environment for the electoral process. They also conducted border patrols and cordon-and-search operations.

25. On 23 April, UNMIL took over security responsibilities at Monrovia's Freeport to enable it to meet international ship and port facility standards. Unauthorized individuals were removed, and new identification passes were issued to authorize 2,500 workers to have access to the Freeport. Efforts to enhance security and operations at the Freeport are continuing, and to that end the Liberian Seaport Police are currently participating in the training programme at the National Police Academy.

VI. Disarmament, demobilization, rehabilitation and reintegration

26. Since the formal closure of the disarmament and demobilization process in November 2004, UNMIL has received 286 weapons, which were either voluntarily surrendered or discovered, as well as some 31,000 assorted pieces of ammunition and some 300 pieces of unexploded ordnance, which are being destroyed.

27. UNMIL and the United Nations Development Programme (UNDP) are continuing to collaborate on a five-year national community arms collection and development programme. Some $12 million is needed for the programme, of which $700,000 has been secured for pilot projects in Lofa and Grand Gedeh Counties. On 18 May, the National Commission on Small Arms was established to oversee the programme.

28. On 15 April, the first referral and counselling office for demobilized ex-combatants was opened in Monrovia. Similar offices will soon be operational in Harper, Zwedru, Buchanan, Gbarnga and Voinjama. Meanwhile, 3,901 demobilized ex-combatants have successfully completed their vocational training. As at 1 June, 29,165 ex-combatants, including 1,420 children, were participating in reintegration projects funded by the UNDP Trust Fund, the European Commission and the United States Agency for International Development. Steps are being taken to redirect the focus of reintegration projects from vocational training to agriculture and small-scale income-generating activities.

29. However, funds are urgently needed to provide reintegration opportunities for the remaining ex-combatants, who continue to be a potential source of instability, as noted in paragraph 19. A $3.4 million contribution from Sweden has reduced the shortfall to $36.2 million, and the United States of America and the European

Commission have pledged $15 million and €11 million respectively, which would further reduce the gap. It is hoped that these funds will be made available shortly.

30. The repatriation of 612 foreign ex-combatants identified during the disarmament and demobilization process is under way. The International Committee of the Red Cross recently assisted 34 individuals from this group, who were children formerly associated with fighting forces, in their return to their countries of origin. These included 5 returns to Côte d'Ivoire, 16 to Guinea and 13 to Sierra Leone. The remaining foreign ex-combatants are still awaiting repatriation. Meanwhile, the repatriation of a group of 389 Liberian ex-combatants and Armed Forces of Liberia personnel interned in Sierra Leone during the conflict was completed with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) on 18 May.

VII. Support for security-sector reform

A. Liberian National Police

31. The programme to develop a new, professional Liberian National Police service continued to make steady progress. Between March and May, 401 Liberian National Police and 33 Special Security Service officers graduated from the National Police Academy. A further 1,154 police officers are being trained, including 34 Special Security Service officers who are undergoing close-protection training. Training was extended to include the Liberian Seaport Police in April, when UNMIL took over security responsibilities at the Monrovia Freeport. As at 1 June, 59 Liberian Seaport Police officers had graduated from the Academy, while a further 60 officers are expected to undergo training in June.

32. Meanwhile, the deployment of Liberian police officers to the interior of the country, which began in November 2004, continued to make progress. By May, the Liberian National Police had established a presence in each county and installed a regional command structure. In addition, UNMIL has begun to familiarize probationary police officers participating in field training with police operations in the country's interior and to integrate them into those operations.

33. On 21 April, the city of Antwerp, Belgium, provided UNMIL with weapons and ammunition for use in training the new Liberian National Police personnel. The weapons will be destroyed upon completion of the training programme. The United States of America has made a significant contribution to the police restructuring exercise and is funding the Police Academy's operational costs and trainee stipends, as well as police uniforms. The Liberian National Police have also received donations of motorcycles and radios from China.

34. On 23 May, UNMIL launched a training programme for senior law enforcement managers from the Liberian National Police and the Special Security Service. Meanwhile, 45 Liberian National Police officers are expected to be fully trained as instructors by the end of 2005. They will serve as a core group of trainers, when the new police service assumes responsibility for running the National Police Academy training programme.

35. The new police service is expected to be formally established on 1 July. The National Transitional Government of Liberia has approved a rank and salaries

policy for the new Liberian National Police service. Furthermore, the National Transitional Government has agreed in principle to a proposed demobilization package for those police and Special Security Service officers who have not met basic eligibility standards for the service.

B. Armed Forces of Liberia

36. The National Transitional Government of Liberia has indicated that the estimated cost of decommissioning the Armed Forces of Liberia is $16.4 million. As at 1 June, the National Transitional Government had raised $5 million for this programme, including $1 million of its own resources, a tax advance of $2 million from the Firestone Rubber Plantation and two interest-free loans of $1 million each from China and Ghana. The National Transitional Government plans to provide $6 million in its next budget to meet the cost of pensions for the regular members of the armed forces. This leaves a funding gap of some $5.4 million for the armed forces demobilization programme. I would like to urge Member States to assist in meeting this funding shortfall.

37. On 15 May, Chairman Bryant signed an executive order declaring that the demobilization and retirement process for members of the former Armed Forces of Liberia would commence on 31 May. This decommissioning exercise is expected to be completed by September, following which the recruitment and training exercise for the new armed forces is expected to begin. UNMIL will provide the following support for the training programme: perimeter security at the Barclay Training Centre, the Ministry of Defence and the designated Armed Forces of Liberia training centre; static security at the designated demobilization site starting on 15 June; sector headquarters facilities for use by the recruiting officers; and air transportation for the United States security-sector reform team.

VIII. Elections

38. Preparations for the 11 October national elections continued to make satisfactory progress during the reporting period. The voter registration process, which took place from 25 April to 21 May, was a notable success. There were 1,511 registration centres, supported by 1,039 static and mobile teams, deployed nationwide to conduct the registration. Some 1.3 million voter registration forms have been received.

39. The National Elections Commission, UNMIL and other partners, including non-governmental organizations funded by UNDP and the European Commission, worked together to disseminate information on the voter registration process.

40. During the registration process, UNMIL troops patrolled regularly, while Quick-Reaction Force troops accompanied flights carrying registration materials. Civilian police advised and monitored the Liberian National Police who provided perimeter security at the registration centres. No major incidents were reported during the voter registration period.

41. On 12 May, the National Transitional Legislative Assembly adopted a resolution calling for an extension of the voter registration period. However, the National Elections Commission rejected this, asserting that the Commission was the

sole decision-making authority regarding time lines for the electoral process. The International Contact Group on Liberia and UNMIL strongly supported the Commission's position. A petition seeking to extend the voter registration process by a month was also rejected by the Supreme Court. Following negotiations initiated by UNHCR with the National Elections Commission, returning refugees were allowed an additional two-week period for voter registration.

42. As required by the electoral reform law, the National Elections Commission, in close consultation with political parties and other key stakeholders, has developed a methodology for the delimitation of electoral districts and allocation of seats. Guidelines on the establishment of electoral districts were issued on 16 May, and the list of electoral districts will be published on 15 July.

43. The next step in the electoral process is the publication of the preliminary voter registration roll from 30 June to 2 July, to be displayed at each voter registration centre. UNMIL is now focusing on developing operational plans for the polling and counting exercises in October.

United Nations support for the elections

44. UNMIL and the United Nations country team are working in a coordinated manner to support the electoral process and meet weekly to evaluate progress in the preparations for the polls. UNMIL has constructed 17 county electoral offices for use by its personnel. UNMIL troops will assist in providing security throughout the electoral process, in accordance with security plans for each sector. Furthermore, a Mission Election Cell has been established at the UNMIL Force headquarters to coordinate the provision of security and logistical support for the elections.

45. UNMIL's civilian police component is continuing to advise the Liberian National Police on the development of security plans for the run-up to the elections so as to avert the potential for civil unrest. These include contingency measures for polling and post-election counting centres, as well as for political rallies. In addition, UNMIL civilian police will assist the Liberian National Police joint task force units with logistical support for the conduct of mobile patrols, particularly in volatile areas.

46. UNDP is working closely with the European Commission to provide support for the voter education campaign. In May, a delegation from the International Republican Institute, the National Democratic Institute and the Carter Center completed the first of three planned monitoring assessments, following which they called the voter registration process in Liberia credible and a success. These three organizations, together with the International Foundation for Election Systems and the Konrad Adenauer Institute, are also providing other support for the electoral process.

IX. Rule of law

Judicial support

47. UNMIL has continued to provide training and advice to assist in building the capacity of the justice sector. However, these initiatives have been hampered by a

lack of funding, qualified personnel and material resources. Training workshops have been conducted for prosecutors and county attorneys and for 70 clerks of the Supreme Court, circuit courts and specialized courts, while post-training assessments of prosecutors are being carried out in the courts. Training workshops for circuit-court judges, magistrates and justices of the peace will be conducted following the appointments of judicial nominees.

48. UNMIL continues to monitor court cases throughout the country and is also spearheading efforts to facilitate the provision of legal aid services to defendants. Through its Quick-Impact Project Trust Fund, UNMIL is also helping to finance the rehabilitation of a number of courts.

49. In April, UNMIL assisted the Ministry of Justice in convening a meeting of a legislative drafting working group that reviewed and redrafted a number of key laws, including those dealing with rape, human trafficking, juries and the financial autonomy of the judiciary. It is expected that these draft laws will be submitted to the National Transitional Legislative Assembly for enactment.

Corrections

50. During the reporting period, UNMIL provided support to the Bureau of Corrections and Rehabilitation in the Ministry of Justice, which has contributed to improvements in prison conditions. Funds are urgently needed for the rehabilitation of corrections infrastructure and for system development. Six correctional facilities are currently operational in Bondiway, Buchanan, Monrovia, Kakata, Saniquellie and Gbarnga. However, demand for such facilities is increasing, particularly in areas where courts are reopening. Food, medical supplies and other basic necessities continue to be provided by partners, including the World Food Programme (WFP) and the International Committee of the Red Cross.

51. Twenty-six newly recruited corrections officers, including seven women, are completing training programmes at the duty stations to which they have been deployed.

X. Public information

52. During the reporting period, the public information component focused on supporting priority programmes of UNMIL and of United Nations agencies, including elections and the return of refugees and internally displaced persons. UNMIL Radio can now be heard in most areas of the country. The station has increased its programming on human rights, transitional justice and humanitarian activities. It is also carrying out community-level live broadcasts, during which the public can engage in discussions on issues related to the peace process.

XI. Restoration and consolidation of State authority

53. Further progress was made in extending State authority throughout the country. The appointments of 11 out of 15 county and assistant superintendents have been ratified by the National Transitional Legislative Assembly. UNMIL continued to assist the return of Government officials to their duty stations, including 168 internal revenue collectors to 13 revenue-collecting posts, 206 customs officers to

11 rural customs posts and 379 Bureau of Immigration and Naturalization officers. However, resource and logistical constraints remain major obstacles to the restoration of State authority in the interior of the country and continue to hamper the capacity of deployed officials to deliver basic services to the population.

54. In addition, UNMIL is providing support for the institutional reform of Government Ministries and other State institutions, with a view to enhancing their productivity, transparency and accountability.

XII. Restoring proper management of natural resources

55. The National Transitional Government of Liberia has continued to demonstrate a lack of political will to implement measures for the proper control and management of the country's natural resources and to ensure that revenues from these resources are used for the public good. In that regard, UNMIL civil affairs officers and environment and natural resource advisers have continued to provide advice to the Ministry for Lands, Mines and Energy and the Forestry Development Authority on measures that should be taken to ensure the proper management of natural resources. The Mission monitored locations where natural resource exploitation is taking place and have informed the Government accordingly.

56. UNMIL also assisted in the evacuation of people who were illegally mining and hunting in the Sapo National Park. In April, Chairman Bryant and my former Special Representative, Jacques Paul Klein, launched a plan of action for the proper management of the environment, which was developed by the National Transitional Government of Liberia, in collaboration with UNMIL, UNDP, UNHCR, the United Nations Environment Programme, the United Nations Office for Project Services, the International Organization for Migration (IOM) and the Liberia Forestry Initiative, together with several international and local non-governmental organizations. Donors have pledged to provide the estimated $1 million that it will cost to implement the plan.

XIII. Human rights and protection of civilians

57. UNMIL monitoring and protection activities continued throughout the country. The poor investigation of rape and sexual assault cases, particularly those involving children, remained a serious concern. To help improve the situation, the Mission provided support during the investigation and prosecution of a number of such cases and facilitated the provision of social assistance and support for the victims. However, more needs to be done to sensitize the general population about the serious nature of such crimes.

58. In April, UNMIL assisted with the evacuation of an illegal mental health clinic that had been holding 18 people, without treatment and in very poor conditions. Legislation is urgently required to prevent abuse of vulnerable people in clinics and orphanages.

59. Many of the reopened courts are not complying with legal standards and are failing to observe the fair-trial rights of victims and suspects. Prisoners are detained in poor conditions, including in overcrowded prisons, and the rights of prisoners to due process, speedy trials and legal counsel are undermined by the poor operation or

non-existence of courts. The only operational juvenile court is in Monrovia. A large number of cases are not tried, resulting in impunity for offenders. A lack of accountability, which is compounded by the failure of the Government to provide adequate logistical support to the courts and the police, has encouraged corruption and hampered the State's capacity to uphold the rights of victims and suspects.

60. The poor human rights situation at the Guthrie rubber plantation has continued. Ex-combatants continue to violate the fundamental rights of plantation residents with impunity, including by assaulting them and forcing them to tap rubber.

61. Meanwhile, on 23 March, Chairman Bryant signed into law the act establishing the Independent National Commission on Human Rights. In addition, on 12 May, the bill establishing the Truth and Reconciliation Commission was passed by the National Transitional Legislative Assembly, and efforts are under way to mobilize funding and other support for its operations.

62. In collaboration with UNDP, the Ministries of Justice, Foreign Affairs and Gender and Development, Liberian civil society and the international donor community, UNMIL is spearheading the formulation of a five-year national human rights action plan for Liberia. Consultations on drafting the plan commenced in May, and a series of workshops will follow. In the light of Liberia's ratification of and accession to key international human rights treaties, the Mission has developed a project to audit the country's laws with a view to assisting the National Transitional Government of Liberia in updating national laws to bring them in line with international standards.

XIV. Humanitarian situation

63. With improved security, United Nations agencies have extended the delivery of humanitarian assistance throughout Liberia. UNHCR, IOM, WFP and UNMIL have facilitated the voluntary transfer of internally displaced persons from camps in and around Monrovia to their areas of return. The Mission is implementing a plan for the accelerated return of internally displaced persons to their counties of origin, as well as a public sensitization campaign. As at 1 June, some 155,000 internally displaced persons had been assisted in returning to their places of origin, while a further 100,000 have returned independently. UNHCR has provided transportation and non-food items for the returning internally displaced persons, while WFP has provided food rations. Additional resources will be required to support the return of a further 64,000 internally displaced persons.

64. To ensure their safe return, UNMIL has increased patrols on routes used by the returning internally displaced persons. The inter-agency Core Protection Group is finalizing a protection framework for returnees. In the meantime, UNHCR and its partners have been monitoring the return process and intend to further strengthen their protection capacity as activities expand.

65. UNHCR continued to facilitate the voluntary repatriation of Liberian refugees from the subregion. As at 1 June, an estimated 175,000 refugees had returned spontaneously, while 17,500 had returned in an organized manner with UNHCR assistance. Returning refugees are provided with the same return package and food rations as the internally displaced. The returning populations are also being assisted

through broader reintegration programmes under the Results-Focused Transitional Framework. UNHCR has also rehabilitated a number of roads and bridges and rebuilt schools and clinics in areas to which large numbers of refugees and internally displaced persons are returning. In addition, the World Health Organization (WHO), the United Nations Children Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have continued to support the return of refugees and internally displaced persons to their counties of origin.

66. WFP currently delivers 6,500 tons of food to 700,000 beneficiaries each month throughout Liberia, including 250,000 internally displaced persons and returnees residing in camps and transit centres and 425,000 schoolchildren.

67. By the beginning of the rice-planting season in early April, the Food and Agriculture Organization of the United Nations (FAO) had started a large-scale emergency agricultural assistance programme targeting recent returnees, ex-combatants and vulnerable host communities. FAO has also provided 13,000 beneficiaries in 12 counties with tools, rice seeds and fertilizer, as well as advice and technical support to enable them to restart farming activities.

68. UNICEF has provided some 983 schools with back-to-school supplies, benefiting some 270,000 children. A national consultative workshop recommended the development of a national Accelerated Learning Programme policy to meet increasing demands for the Programme. Of the 5,000 targeted demobilized children, 31 per cent gained access to the Community Education Investment Programme. Five hundred and sixty county and district education officials, teachers and principals were trained in this Programme and in psychosocial counselling skills. Ten youth groups and 800 peer youth educators were trained in preventing HIV/AIDS and sexual abuse and exploitation. Ten additional health facilities were reactivated, with routine immunization introduced in two additional health facilities, bringing to 175 the number of health facilities that provide routine Expanded Programme on Immunization services. Over 1 million children have been immunized against polio in Liberia.

69. The Humanitarian Action Committee, which meets on a bimonthly basis, is most useful in strengthening collaboration between United Nations agencies and non-governmental organizations.

XV. National recovery, reconstruction and development

70. The Results-Focused Transitional Framework annual review meeting, held in Copenhagen on 9 and 10 May, was attended by representatives of the National Transitional Government of Liberia and its international partners. In evaluating the Framework's performance during the past year, the participants noted the progress made, as well as the many challenges that lie ahead. The following priorities were identified for 2005: addressing corruption, ensuring transparency and integrity in fiscal management and providing basic services in the interior of the country to sustain the return of internally displaced persons and refugees. The need to extend the Results-Focused Transitional Framework into 2006 to ensure a structured transition from the Framework to a Millennium Development Goals-based poverty reduction strategy was also recognized.

71. UNMIL, together with several United Nations agencies, has been developing strategies for linking relief and development, in line with the needs of Liberian communities. In that context, UNMIL relief, recovery and rehabilitation and civil affairs officers, in collaboration with FAO, have completed agricultural assessments in Grand Gedeh, Bomi, Cape Mount and Gbarpolu Counties. On the basis of the outcome of those assessments, FAO will implement small-scale agriculture projects in collaboration with community organizations.

72. UNDP, in collaboration with the World Bank, presented the recommendations of the post-war Rapid Social Assessment to stakeholders, including Government officials, United Nations agencies and non-governmental and civil society organizations, as well as donors. The Rapid Social Assessment provides a framework for participatory, rights-based, community-driven development in Liberia and is a core element of the UNDP community-based recovery programme. In partnership with UNHCR and local implementing partners, UNDP is also supporting 85 rehabilitation microprojects in the areas of water and sanitation, education, health, markets and secondary roads.

73. To further enhance its support for community recovery, UNDP has established field offices in Bong and Grand Gedeh Counties. As part of its global Civil Society Organization Champion Initiative, UNDP has completed a field survey of nearly 800 civil society organizations in all 15 counties. The information collected will be used to develop sustainable partnerships between UNDP and civil society organizations.

XVI. HIV/AIDS

74. The UNMIL HIV/AIDS Unit continued to conduct awareness, sensitization and personal risk assessment sessions for the Mission's personnel. On 4 June, the unit opened two voluntary HIV counselling and testing centres for UNMIL staff. The Unit is also providing training-of-trainers programmes for peer educators, religious leaders, community-based organizations and media practitioners, in collaboration with the National AIDS Control Programme. From 16 May to 10 June, the Unit, the Joint United Nations Programme on HIV/AIDS and the United States-based Centers for Disease Control and Prevention conducted a knowledge, attitude and practice survey among UNMIL troops.

75. In collaboration with the National AIDS Control Programme and other partners, UNHCR, through its protection monitoring in the field and by providing HIV/AIDS emergency interventions, has continued to provide assistance to refugees, returnees and internally displaced persons in the prevention of HIV/AIDS and other sexually transmitted diseases.

XVII. Gender

76. The UNMIL Gender Unit and Gender Task Force continued to mainstream gender activities in all aspects of the Mission's work. The Unit has continued to support the electoral process, including by coordinating funding for women's groups that are promoting women's participation in the elections.

77. The Unit has also provided advice on legislative reforms and rule-of-law mechanisms needed to respond to sexual and gender-based violence and to protect

the rights of women and girls. It continues to provide a gender perspective in the reintegration process for ex-combatants and in the restructuring of the Liberian National Police. The Unit has facilitated the deployment of county gender coordinators from the Ministry of Gender and Development to 14 counties. Training has also been provided to gender desk officers in various Ministries.

XVIII. Sexual exploitation and abuse

78. The UNMIL task force on sexual exploitation and abuse has developed a preventive and investigative strategy, which includes proposals on the relocation of some contingents away from populated areas, the creation of a hotline to receive complaints, improved staff and military welfare and the establishment of a group of professional investigators and technical advisers within the Mission. At the same time, the Force Commander has issued directives for troops on compliance with the Secretary-General's bulletin on special measures for protection from sexual exploitation and abuse (ST/SGB/2003/13). He also reinforces the Secretary-General's zero-tolerance policy during visits to the sectors.

79. Briefings on sexual exploitation and abuse are given to all Mission personnel. In addition, UNMIL is providing a training-of-trainers briefing on sexual exploitation and abuse for all military units and has established focal points at Force and sector headquarters, as well as within military units.

80. UNMIL is working with United Nations agencies and non-governmental organizations to disseminate information, including standard guidelines on the prevention and investigation of sexual exploitation and abuse. UNMIL has established four teams to investigate allegations of sexual exploitation and abuse. Twenty-one investigations have now been completed. While allegations against 11 military personnel were not substantiated, those against 9 military personnel were substantiated, resulting in repatriation on disciplinary grounds of the military personnel involved. One civilian staff member was summarily dismissed.

XIX. Mission support

81. The administrative component of UNMIL has expanded its operations nationwide to strengthen logistical and administrative support for the Mission's components. The major support challenges include the provision of operational capability and critical infrastructure to sustain the Mission and support the electoral process in the most effective and efficient manner.

82. During the coming months, logistical efforts will focus on the consolidation of force sustainment, including the provision of hard wall accommodation, improved utility services, the deployment of newly arrived forces and support for the elections. In line with the joint civilian/Military concept of support plan, work on the priority tasks continues, including the establishment of a forward logistics base at Gbarnga and the upgrading and maintenance of supply routes, so that they can be used during the rainy season.

XX. Regional aspects

83. Progress in the Mission's efforts to stabilize Liberia is linked, to a great extent, to the security situation in the subregion. Setbacks in the peace process in Côte d'Ivoire could have a negative effect, as evidenced by the influx of over 10,000 Ivorian refugees into Liberia in November 2004, following disturbances in Côte d'Ivoire. Reports have also indicated that individuals from both sides of the Ivorian conflict, as well as from Guinea, are recruiting fighters from Liberia. UNHCR and WFP have developed a contingency plan in the event of a further influx of refugees from that country. In the meantime, UNMIL and the United Nations Operation in Côte d'Ivoire (UNOCI) are continuing to conduct coordinated border patrols.

84. UNMIL continued to monitor the situation in the Guinée Forestière region of Guinea, which is a potential flashpoint because of its concentration of refugees from neighbouring countries and its strategic location in relation to Côte d'Ivoire, Liberia and Sierra Leone. Cross-border liaison between UNMIL and the United Nations Mission in Sierra Leone (UNAMSIL) is also continuing.

85. The Force Commanders of UNMIL, UNOCI and UNAMSIL held their seventh regional Force Commanders meeting in Freetown from 17 to 19 May, during which they reviewed the security situation in the subregion and discussed the standard operating procedures for the three missions' Joint Mission Analysis Cells.

XXI. Observations

86. The progress made in Liberia during the past three months — notably, the successful voter registration exercise, further gains in strengthening the National Police force, the passage of the Truth and Reconciliation Commission bill by the National Transitional Legislative Assembly, the signing into law of the Independent National Commission on Human Rights act, the return of thousands of internally displaced persons and refugees to their counties of origin and the maintenance of a generally stable political and security climate — is encouraging. Furthermore, the commencement of the demobilization of the Armed Forces of Liberia and progress in extending State authority throughout the country, particularly through the deployment of additional local Government officials, have also given momentum to the peace process. The National Transitional Government of Liberia should now focus on building the capacity of local administrations to deliver basic services to the population.

87. Despite the many tangible signs of progress, there are still significant challenges that need to be urgently addressed to ensure that the peace process remains on track. In this regard, the ex-combatants who are resorting to violence, including by threatening to disrupt the upcoming elections, in order to assert their right to participate in rehabilitation and reintegration programmes, remain a potential source of instability. In addition, the successful completion of the restructuring of the country's armed forces is key to ensuring the consolidation of durable peace in the country.

88. The prolonged delays in the provision of reintegration opportunities for former combatants and in the restructuring of the Armed Forces of Liberia have been primarily due to funding shortfalls. In that regard, the recent pledges of funding by the European Commission and the Governments of Sweden and the United States of

America for the reintegration programme are most commendable, and I would strongly encourage their early redemption. Member States should also consider the provision of necessary technical and financial support to the National Transitional Government of Liberia to ensure the full implementation of the military restructuring and retraining exercise.

89. The failure of the National Transitional Government of Liberia to improve economic governance is most disappointing. In that regard, the conclusions of the meeting of international partners that financial malfeasance, lack of transparency and an absence of accountability are threatening the success of the transition process are of deep concern. The development of an economic governance action plan by Liberia's international partners, in cooperation with the National Transitional Government, is an innovative and timely initiative. It promises to provide an effective strategy for the Government in ensuring transparency and accountability in the management of State resources. I would recommend that the Council give due consideration to this plan at the earliest opportunity.

90. The remaining six months of the transition period are most important for laying the foundations for a peaceful and democratic society in Liberia. Any efforts to disrupt the electoral process should be expeditiously addressed. It is essential that the Liberian political parties continue to conduct their electoral activities in a peaceful manner. All efforts must be made to ensure that the electoral candidates are able to conduct their electoral campaigns freely and in secure conditions, and that the conditions are established for the holding of elections that are free, fair and credible.

91. I would like to reiterate the recommendation made in my sixth report on UNMIL that the Security Council give favourable consideration to the authorization of an additional formed police unit consisting of 120 officers for an interim period of six months, commencing in August. The deployment of such a unit is urgently required so that UNMIL has the requisite capacity to assist in addressing security emergencies during the electoral period.

92. The overall security climate in the subregion is of concern. Some progress has been made in Côte d'Ivoire towards implementation of the Pretoria Agreement. However, much remains to be achieved, and the continuing insecurity in the country, particularly in the west, is likely to have spillover effects on the fragile stability in Liberia. The continuing reports of the recruitment of Liberian ex-combatants to participate in conflicts in the subregion, as well as the cross-border flows of arms, pose serious threats to regional peace. The Governments in the subregion should urgently take all possible steps to effectively address these critical problems.

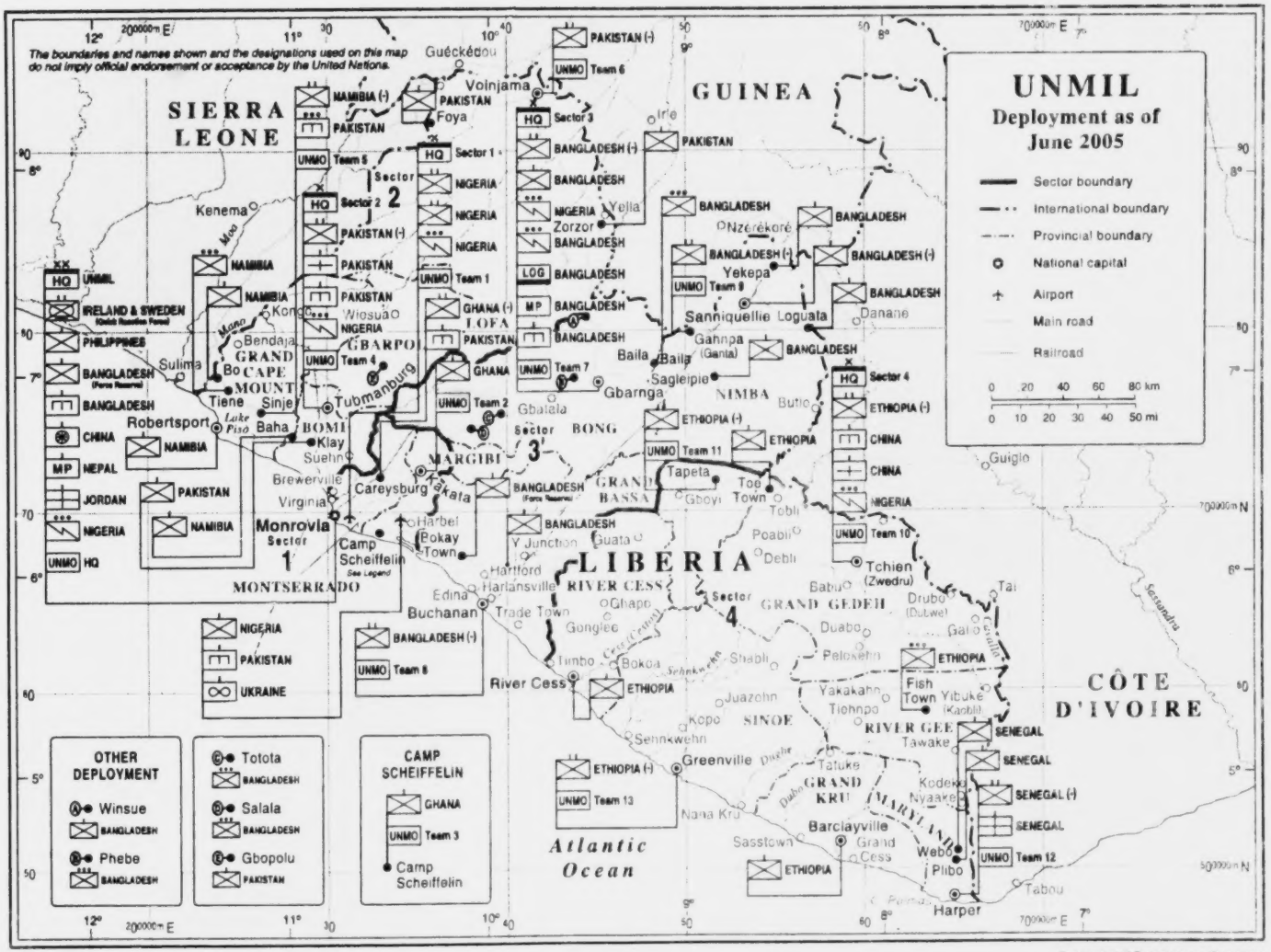
93. In conclusion, I would like to commend my former Special Representative, Jacques Paul Klein, who completed his assignment in April, as well as my Deputy Special Representative, Abou Moussa, who is the Officer-in-Charge of UNMIL pending the appointment of my new Special Representative, and the civilian and military staff of UNMIL for their contribution to the progress made during the period under review. I would also like to express my gratitude to the countries that are contributing troops and police personnel to the Mission, as well as to ECOWAS, the African Union, the International Contact Group on Liberia, United Nations agencies, funds and programmes and humanitarian organizations, as well as the numerous bilateral donors and international and local non-governmental organizations, for their steadfast and continuing efforts to return peace to Liberia.

Annex

United Nations Mission in Liberia: military and civilian police strength as at 1 June 2005

	Military component				*Civilian police component*
Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Civilian police*
Argentina					2
Bangladesh	17	11	3 188	3 216	13
Benin	3	0		3	
Bolivia	3	1		4	
Bosnia and Herzegovina				0	17
Brazil		1		1	
Bulgaria	2			2	
China	5	9	558	572	24
Croatia		3		3	
Czech Republic	3			3	3
Denmark	2			2	
Ecuador	3	1		4	
El Salvador	3			3	
Ethiopia	17	8	2 544	2 569	
Egypt	8			8	
Fiji				0	30
Finland		2		2	
France		1		1	
Gambia	1			1	30
Germany			16	16	3
Ghana	11	5	849	865	41
Indonesia	3			3	
Ireland		9	429	438	
Jamaica				0	10
Jordan	7	9	50	66	140
Kenya	3	4		7	24
Republic of Korea	1	1		2	
Kyrgyzstan	4			4	3
Malawi		2		2	22
Mali	4	2		6	
Republic of Moldova	3	1		4	
Malaysia	10			10	
Namibia	3	4	855	862	6
Nepal	3	2	40	45	256

	Military component				*Civilian police component*
Country	*Military observers*	*Staff officer*	*Troops*	*Total*	*Civilian police*
Niger	3			3	3
Nigeria	19	17	1 947	1 983	161
Norway				0	6
Pakistan	16	11	2 740	2 767	23
Paraguay	3	1		4	
Peru	3	2		5	
Philippines	3	5	165	173	30
Poland	2			2	3
Portugal				0	2
Romania	3			3	
Russian Federation	6			6	17
Samoa				0	17
Senegal	1	3	600	604	10
Serbia and Montenegro	6			6	7
South Africa				0	
Sri Lanka				0	11
Sweden		4	227	231	6
Togo		1		1	
Turkey				0	32
Uganda				0	19
United Kingdom		3		3	
Ukraine	3	1	300	304	5
Uruguay				0	2
United States of America	7	7		14	20
Yemen				0	4
Zambia	3			3	29
Zimbabwe				0	33
Total	**197**	**131**	**14 508**	**14 836**	**1 064**


UNMIL
Deployment as of
June 2005
Sector boundary
International boundary
Provincial boundary
National capital
Airport
Main road
Railroad
0 20 40 60 80 km
0 10 20 30 40 50 mi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
SIERRA LEONE
GUINEA
LIBERIA
CÔTE D'IVOIRE
Atlantic Ocean
Sector 1
Sector 2
Sector 3
Sector 4
Monrovia
MONTSERRADO
GBARPO
LOFA
MARGIBI
BONG
NIMBA
GRAND BASSA
RIVER CESS
GRAND GEDEH
SINOE
RIVER GEE
GRAND KRU
MARYLAND
CAPE MOUNT
BOMI
Camp Scheiffelin
OTHER DEPLOYMENT
Winsue
Phebe
Totota
Salala
Gbopolu
CAMP SCHEIFFELIN
Camp Scheiffelin
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Report of the Secretary-General on the situation in Somalia

I. Introduction

1. The present report is submitted pursuant to the statement of the President of the Security Council of 31 October 2001 (S/PRST/2001/30), in which the Council requested me to submit reports on a quarterly basis on the situation in Somalia. The report covers developments since my report of 18 February 2005 (S/2005/89), and focuses on the issues and challenges confronting the Transitional Federal Government. It also provides an update on developments inside Somalia, the security situation and the humanitarian and development activities of United Nations programmes and agencies in the country.

II. Transitional Federal Government

2. During the period under review, two important issues have proven quite controversial within the Transitional Federal Government. The first is with regard to the Government's plan to relocate to Somalia. There is serious concern among Somalis and the international community that almost eight months after the conclusion of the Somali National Reconciliation Conference, the Somali transitional federal institutions are still in Nairobi rather than in Somalia.

3. The controversy has caused a rift between President Abdullahi Yusuf Ahmed and his Prime Minister, Ali Mohammed Gedi, on the one hand, and the Speaker of Parliament, Sharif Hassan Sheikh Adan, some cabinet members and a large number of members of Parliament on the other. President Yusuf and his group argue that Mogadishu is not secure enough and that the Transitional Federal Government should relocate temporarily to Jawhar or Baidoa until the capital is made safe. The Speaker and those associated with him insist that the Government should relocate to Mogadishu.

4. The second controversial issue is the inclusion of troops from the frontline States (Djibouti, Ethiopia and Kenya), in a future African Union/Intergovernmental Authority on Development (IGAD) peace support mission in Somalia requested by President Yusuf. Once again, a large number of members of Parliament, cabinet ministers and faction and other leaders oppose the deployment of troops from those countries.

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5. The result is that the Government's intention to commence the relocation of the transitional federal institutions to Somalia as of mid-February (see S/2005/89, para. 8) has not been implemented. However, a number of fact-finding teams were dispatched by the Transitional Federal Government to several regions of Somalia as a prelude to the visit of President Yusuf and Prime Minister Gedi to the country from 24 February to 4 March. The Transitional Federal Government delegation visited Baidoa, Beletweine, Boosaaso, Garowe and Jawhar. Reports indicate that the delegation was welcomed by ordinary Somalis. However, the delegation did not visit Mogadishu.

6. On 24 March, 11 members of Parliament, mainly from the Hawiye clan, wrote to members of the international community expressing their disapproval of President Yusuf's relocation plan, and a number of members of Parliament left Nairobi for Mogadishu. Their stated intention was to prepare for the smooth relocation of the Transitional Federal Government to the capital. They met in Mogadishu with senior Hawiye politicians, including former President Abdikassim Salad Hassan, to work out the modalities of removing armed militias from Mogadishu. On 6 April, an additional 22 members of Parliament arrived in the capital with the intention of reviewing the preparations that their colleagues had undertaken. On 5 April, Muse Sudi Yalahow, the Transitional Federal Government Minister of Commerce and a prominent Mogadishu faction leader, held a press conference in Nairobi asserting that it was time for the Government to relocate to Mogadishu. An additional 30 members of Parliament, including Mohamed Kanyare Afrah, Muse Sudi Yalahow and Osman Ali Atto, all Ministers in the Transitional Federal Government, left Nairobi for Mogadishu soon thereafter. Mohamed Kanyare spoke to the press in Mogadishu and stated that the objective of those members of Parliament was to oversee the implementation of a "Mogadishu Security and Stabilization Plan" that had been announced earlier as the framework for the pacification of the capital. He asserted, however, that they remained part of the Transitional Federal Government. On 16 April, Deputy Prime Minister Mohamud Jama Sifir led another group of 8 members of Parliament back to Mogadishu from Nairobi. Reports indicate that there are over 100 members of Parliament currently in Mogadishu.

7. On 29 April, Prime Minister Gedi, accompanied by representatives of the African Union (AU), the League of Arab States (LAS), Algeria, Djibouti, Kenya and Yemen, arrived in Mogadishu. The officer-in-charge of the United Nations Political Office in Somalia (UNPOS) joined the mission on 1 May (see para. 26 below). The Prime Minister and his entourage were warmly received by the inhabitants of Mogadishu, who stressed the need for the Transitional Federal Government to return to Mogadishu as the capital of Somalia. At a meeting with members of Parliament in the capital, Prime Minister Gedi stated that reports that the Transitional Federal Government was planning to relocate elsewhere was misinformation. He underlined that the stabilization of Mogadishu was the responsibility of the Executive and expressed his readiness to take over the process to re-establish security there.

8. A bomb exploded on 3 May while Prime Minister Gedi was addressing a large crowd in the Mogadishu Stadium. The Prime Minister was not injured, but many people were reported killed and wounded. Pending the conclusion of investigations, he announced that the blast had most likely been accidental and caused by a hand grenade. Others in Mogadishu claimed that the explosion was deliberate and was

meant to disrupt the Prime Minister's campaign for support in Mogadishu. On 7 May, Prime Minister Gedi returned to Nairobi.

9. In late February, several Somali political figures voiced their opposition to the deployment in Somalia of troops from the frontline States in response to the communiqué issued by IGAD on 31 January 2005 at the AU Summit in Abuja (ibid., para. 19). On 26 February, 41 of the 61 Hawiye members of Parliament and Ministers (including major faction leaders) issued a press statement in Nairobi in which they welcomed AU troops, but categorically opposed the deployment of troops from the frontline States. They also insisted that the Transitional Federal Parliament endorse the composition and mandate of the troops to be deployed. The Speaker subsequently added his voice to the group opposed to the desire of President Yusuf and Prime Minister Gedi to receive troops from the frontline States. He claimed that his position was based on his findings in Mogadishu during his visit there in February (ibid., para. 9). Demonstrations both in support of and in opposition to the deployment of such troops were held in the capital during the first week of March.

10. The issue was debated in Parliament on 17 March in preparation for the meeting of the IGAD Council of Ministers (see para. 18 below) to consider the issue of the deployment of a peace support mission in Somalia. However, the debate in Parliament degenerated into a rowdy session in which several members of Parliament were wounded and a Minister was detained by the Kenyan police. The Speaker issued a statement to the effect that the majority of members of Parliament had voted by a show of hands, after the destruction of the polling box, in favour of the deployment to Somalia of troops from other African countries and States members of the League of Arab States, but not troops from States bordering Somalia. President Yusuf responded by issuing a Presidential decree rejecting the Speaker's statement.

11. In a letter to Prime Minister Gedi and the Speaker dated 18 April, President Yusuf stressed the need for the Cabinet and the Parliament to adopt a comprehensive bill on security and the relocation of the Transitional Federal Government to Somalia. He stated that the bill should include: the IGAD Foreign Ministers' decision of 18 March (see para. 18 below); the Government's relocation to Baidoa and Jawhar with a security and political office in Mogadishu; a stabilization plan for Mogadishu; the disarmament and encampment of all militias throughout the country within three months; a new written commitment by all Transitional Federal Government members, members of Parliament and others to a ceasefire and disarmament; and an international verification and monitoring mechanism led by IGAD, AU, LAS and an "international core group".

12. Following efforts by the international community to reconcile the opposing views within the Transitional Federal Government, the Speaker issued a statement welcoming further talks. The dissident Ministers and members of Parliament in Mogadishu also expressed their readiness to resolve the dispute through the mediation efforts of the international community.

13. Following a Cabinet meeting on 9 May, Prime Minister Gedi submitted two motions to the Speaker for approval by the Parliament. The first was on the deployment of an IGAD peace support mission in Somalia on the basis of the IGAD Foreign Minister's communiqué of 18 March. The second was on the decision of the Cabinet to relocate to Baidoa and Jawhar, with an office in Mogadishu, pending the

stabilization of the capital. The intention was to obtain the approval of Parliament prior to the African Union Peace and Security Council meeting on Somalia scheduled for 12 May in Addis Ababa.

14. The Speaker argued that he needed more time so that the members of Parliament in Mogadishu could return to Nairobi to study the two motions. He proposed to hold a session on 17 May. President Yusuf announced that he would call an emergency session of Parliament for 11 May. The Speaker deemed the session illegal and did not preside over its deliberations.

15. The First Deputy Speaker, declaring that there was a quorum (152 members in attendance out of 275), presided over the session to consider the two motions. He announced that he had counted 145 votes in favour of the first motion on the deployment of an IGAD peace support mission. A total of 141 members are reported to have voted in favour of the second motion on the relocation of the Transitional Federal Government to Baidoa and Jawhar with an office in Mogadishu. The Speaker declared the decisions null and void. On 15 May, the Speaker, accompanied by 28 other members of Parliament, left Nairobi for Mogadishu, where he has since been involved in assisting in the efforts to demobilize and disarm militias in the capital.

16. During the period under review, President Yusuf and Prime Minister Gedi held talks with a number of regional leaders and Government officials on the issue of the Transitional Federal Government's relocation plans and related questions. On 8 March, President Yusuf met with the President of Kenya, Mwai Kibaki, in Nairobi to discuss the Government's relocation plan. Both leaders reiterated the need for the Transitional Federal Government to relocate back to Somalia without delay. Prime Minister Gedi briefed President Ismail Omar Guelleh of Djibouti on 7 March in Djibouti. He then proceeded to Addis Ababa and met with Prime Minister Meles Zenawi of Ethiopia, President Mwai Kibaki of Kenya and the Prime Minister of Djibouti. He stressed the need for financial support from the international community and peace support troops to assist the relocation of the Transitional Federal Government to Somalia.

17. President Yusuf met with President Hosni Mubarak and other Egyptian officials, as well as with the Secretary-General of the League of Arab States, Amre Moussa, in Cairo in mid-March. He called on LAS to play a major role in the rehabilitation and reconstruction of Somalia. He also attended the LAS summit in Algiers and held talks with Libyan officials later in April.

III. Activities of the United Nations and the international community

18. The IGAD Council of Ministers on Somalia met in Nairobi on 17 and 18 March. In a communiqué, the Ministers reaffirmed their commitment to execute the decision of the IGAD summit of 31 January 2005 held in Abuja (see S/2005/89, para. 19) to deploy an IGAD peace support mission to Somalia. They stated that the mission would be deployed in a phased manner. During phase I, troops from the Sudan and Uganda would provide security and support to the Transitional Federal Government to ensure its relocation to Somalia. The remaining IGAD countries would provide the necessary logistics, equipment and training to the Somali army

and police. During phase II, troop deployment would be undertaken by the remaining IGAD countries pending the deployment of AU troops. The Ministers welcomed the decision of the LAS Ministers for Foreign Affairs to participate in the peace support mission in Somalia and to assist IGAD and AU in that regard.

19. Earlier, an AU-IGAD fact-finding mission visited Somalia from 14 to 26 February. The mission held consultations with different segments of the population in many parts of the country, including Mogadishu, on the possible deployment of a peace support mission. The mission is reported to have elicited mixed reactions. On the whole, most Somalis supported the deployment of foreign troops, but not those from neighbouring countries. On 17 February, a bomb exploded in southern Mogadishu close to where the fact-finding mission had been expected to pass. Reports indicated that five Somali civilians were killed and others injured, but that none of the members of the AU-IGAD mission had been affected. The mission continued with its schedule nonetheless.

20. The mission's report was considered by the African Union Peace and Security Council at its meeting on 12 May 2005 in Addis Ababa, in which Prime Minister Gedi participated. In the communiqué that was adopted (see S/2005/315, annex), the African Union Peace and Security Council authorized the deployment of phase I of the IGAD Peace Support Mission in Somalia (IGASOM), as agreed upon by the IGAD Council of Ministers at its meeting on 18 March. IGASOM is, inter alia, to facilitate the relocation of the Transitional Federal Government and provide protection as appropriate; to assist the Transitional Federal Government and the Somali parties in security sector reform and disarmament, demobilization and reintegration efforts; and to facilitate humanitarian operations within its capabilities. The African Union Peace and Security Council also requested the Security Council to authorize an exemption of the arms embargo under Security Council resolution 733 (1992) for the deployment of IGASOM.

21. In a letter dated 13 May, the Chairman of the AU Commission, Alpha Oumar Konaré, informed me of the Peace and Security Council decision. As requested, on 26 May I forwarded his letter to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia. Chairman Konaré also stated that the Peace and Security Council had underlined the need for IGAD, the Transitional Federal Government and the Somali parties to engage in a dialogue in order to reach the broadest possible consensus on all the crucial issues facing the reconciliation process in Somalia.

22. On 7 April, the European Union issued a statement on Somalia (see S/2005/248, annex) that urged the Somali parties to refrain from further hostilities and advocated dialogue among the parties with a view to having the Council of Ministers and the Parliament reach agreement on a new comprehensive proposal on relocation and security. The European Union insisted that inclusiveness and reconciliation be restored, or else the outcome of the IGAD-led conference could be derailed, which could shake the confidence of the international community in the nascent Somali transitional institutions.

23. The United States Embassy in Nairobi issued two statements in March expressing concern with regard to the deployment of troops from the frontline States in a peace support mission in Somalia. In a joint statement issued on 12 May 2005 (see S/2005/326, annex), the United States of America and the European Union stressed the urgent need for a viable agreement on relocation and security to be

endorsed by the Somali transitional federal institutions. The statement welcomed the Somali efforts on relocation, including the efforts of the Somali parties to facilitate demilitarization in Mogadishu, which should be incorporated into a national plan as soon as possible.

24. The Secretary of State for International Development Cooperation of Sweden, Annika Soder, visited Nairobi in mid-April with a delegation of senior officials. She held consultations with donors on issues related to the coordination of international support for the Transitional Federal Government as a follow-up to the Stockholm meeting of October 2004 (see S/2005/89, para. 11). She also held talks with Somali leaders, including the President, the Prime Minister and the Speaker, on issues related to the Transitional Federal Government's relocation plan.

25. The Director of Africa I Division of the United Nations Department of Political Affairs visited Nairobi in late April and held discussions with several stakeholders on Somalia, including the President, the Prime Minister and the Speaker. He stressed the need to resolve the current differences within the Transitional Federal Government. Citing that it would not be possible to ensure security for the Transitional Federal Government by external troops alone, he suggested the need for a comprehensive ceasefire agreement that could be accompanied by the formation of a core Somali security force, which could initially be recruited on the basis of the "4.5 formula" for clan representation and quickly trained. The transitional federal institutions could then begin a gradual move from Nairobi to Mogadishu, while President Yusuf could travel to different locations in Somalia. All concerned welcomed this proposal as a basis for talks until the Somali security unit and foreign troops were in place in Mogadishu to ensure security.

26. The officer-in-charge of UNPOS led a delegation to Mogadishu on 1 and 2 May to encourage dialogue between the Transitional Federal Government members in Mogadishu and those in Nairobi. He was accompanied by the Assistant Minister for Regional Cooperation and East African Affairs of Kenya. The delegation met with Prime Minister Gedi and the Ministers and members of Parliament in Mogadishu. It also visited several facilities, many of which were in good condition and could serve as venues for the relocation of the transitional federal institutions. In addition, the delegation was briefed on efforts that were under way to disarm, demobilize and reintegrate the militias in Mogadishu.

27. My new Special Representative for Somalia, François Lonseny Fall, arrived in Nairobi on 27 May and immediately held consultations with President Yusuf and Prime Minister Gedi, as well as with the international community in Nairobi. He is also in contact with the Speaker, who remains in Mogadishu. He will continue to assist the Somalis to reach agreement on the process of relocation.

28. In coordination with the Transitional Federal Government, UNPOS has identified a number of project proposals for several peacebuilding activities under the United Nations Trust Fund for Peacebuilding in Somalia. The main objective of the projects is to support the establishment and functioning of the nascent transitional institutions and the facilitation of dialogue for reconciliation.

29. On 9 February, the Transitional Federal Government and the United Nations, representing the international community, signed the Declaration of Principles and Structured Coordination Modalities documents of the Joint Coordination and Monitoring Committee, which serves as the highest level of information-sharing and

policy discussion in the partnership between the international community and the Government. It held four meetings between 18 February and 22 April. However, a high-level Coordination and Monitoring Committee meeting that had been planned for 21 April was postponed indefinitely at the request of the Transitional Federal Government.

IV. Developments inside Somalia

30. During their visit to the Mudug region in February, President Yusuf and Prime Minister Gedi negotiated a ceasefire agreement between the Sa'ad and Suleiman sub-clans of the Habr Gedir, in an attempt to end the armed conflict that had been going on for the past three months. However, renewed fighting between the two sides, on 4 and 5 March resulted in some 16 people being killed.

31. On 24 March, a large number of people in Hodur, the capital of the Bakool region, and those in the Yaqshid District in Mogadishu held rallies to express support for the President's intention to relocate to Baidoa and Jawhar until the capital was secure. However, an attempt to hold a similar rally in Baidoa led to fighting from 25 to 27 March during which 14 people were reportedly killed. The clashes occurred between militias allied to Mohamed Ibrahim Habsade, assisted by the militias of Sheikh Yusuf Indhadde from the Lower Shabelle region and those of his erstwhile allies, Colonel Hassan Muhammed Nur "Shatigudud", Sheikh Aden Madobe and Abdallah Derow Issaq (all Transitional Federal Government Ministers). The latter group supports President Yusuf's relocation plan, while the former is opposed to his relocating to Baidoa. The two groups clashed again on 30 May over control of the city.

32. On 2 April, an absolute majority in "Somaliland's" House of Representatives endorsed an election bill accepting the amendments suggested by "President" Dahir Riayle Kahin. Reports indicate that 61 members of those present in the House voted in favour, while 4 abstained. Earlier, the House had demanded a national census and the demarcation of regional borders (ibid., para. 22). However, "President" Kahin rejected the demands of the House of Representatives and referred the issue to the "Supreme Court", which supported his position. Elections for the House of Representatives are scheduled to be held in September 2005.

33. On 6 April, the Chairman of the Kulmiye Political Party in "Somaliland", Ahmed Mouhammed "Silanyo", held a press conference in Hargeysa accusing the authorities of violating the constitution of "Somaliland" and harassing his supporters.

34. An AU delegation led by Deputy Chairman Mazimhaka visited "Somaliland" from 1 to 4 May. The delegation was met by public demonstrations criticizing the AU and the international community for failing to recognize the progress achieved in "Somaliland". The delegation was briefed by the authorities on "Somaliland's" determination to protect its sovereignty. Mr. Mazimhaka stated that recognition of "Somaliland" was within the purview of AU member States. The former President of Zambia, Kenneth Kaunda, visited "Somaliland" from 19 to 21 May at the invitation of the authorities. He stated that he would share his findings with AU and other leaders in Africa. Earlier, an official of the United Kingdom of Great Britain and Northern Ireland had visited Hargeysa on 27 April to hold discussions on the parliamentary elections.

Security

35. The situation in the North has been generally quiet. There have been no further attacks on aid workers in "Somaliland" and the United Nations security phase in Hargeysa was reduced to phase III in April. The capacity of the authorities to protect aid workers and to police the region has been enhanced by an initiative of the United Nations Development Programme to support the police. There have been no significant incidents between "Somaliland" and "Puntland" in the disputed regions of Sool and Sanaag, and some reports suggest a slight reduction of force levels, although there appears to be no progress towards a political solution.

36. Conflict continues in several parts of southern Somalia, and insecurity remains a significant problem for aid agencies in much of the country. Reliable reports suggest that although there have been local shortages of weapons and ammunition, the United Nations arms embargo continues to be violated and that such supplies are frequently imported into the country.

37. Inter-clan conflict, motivated by competition for control of resources and the cycle of revenge killings, remains a significant problem. Areas most seriously affected by clan disputes include: South Mudug and North Galguduud and the town of Hobyo, where the Saad and Suleiman sub-clans of the Habr Gedir have been engaged in a long-running dispute over the control of grazing; Bay and Bakool, where the clans of the Rahanwein have fought over the control of Baidoa; the Gedo region, where there has been continued low-level confrontation among the Marehan; and between the Marehan and Garre in El Wak on the border with Kenya.

38. In March and May, the confrontation over control of Baidoa (see para. 31 above) widened when militias from opposing elements of the Hawiye intervened. Tensions were reduced following the intervention of traditional leaders and, for the moment, the dispute remains contained within the Rahanwein.

39. Violence continues to affect Mogadishu. In spite of the rapprochement between many of the faction leaders in the city, high levels of violent crime and occasional inter-clan incidents mean that the city remains at United Nations security phase V. Victims have included a journalist of the British Broadcasting Corporation who was killed by gunmen on 10 February and a Somali working for an international non-governmental organization who was killed on 18 April. It is not clear who is responsible for those attacks, but reports indicate that extremist groups may be involved. However, the efforts to encamp militia and their "technicals" that began in mid-May and the removal of militia checkpoints in the first week of June could improve security in Mogadishu.

40. Aid operations have been seriously affected by the high levels of insecurity, especially in the South. The proliferation in southern Somalia of checkpoints manned by uncontrolled militia restricts the movement of staff and supplies. In contrast, the administrations in both "Somaliland" and "Puntland" are able to control the activities of such individuals and aid is being delivered over a wide area.

V. Humanitarian situation

41. Humanitarian access has been largely satisfactory in north-western and north-eastern Somalia in spite of periodic tensions in the contested regions of Sool and Sanaag. However, in central and southern Somalia, the operating environment continues to be insecure, which severely limits the scope and effectiveness of the international humanitarian response. In 2005, despite increased humanitarian needs, operations were curtailed in Bay, Bakool, Gedo, Lower Juba, Hiran, Galgaduud, Benadir and Middle Shabelle as a consequence of local conflict, interference in agency operations by local authorities or attacks on aid agency staff.

42. In mid-April, cross-border intra-clan fighting in the Gedo region resulted in the displacement of an estimated 15,000 people. Gedo is beset with the highest malnutrition rates in Somalia (up to 23 per cent), based in part on chronic food insecurity. Continued tensions impede humanitarian access. However, United Nations agencies, non-governmental organizations and local authorities are closely monitoring the situation and are ready to respond once access is secured.

43. Somalia remains highly vulnerable to natural disasters, particularly drought and floods, as well as seasonal cyclones and coastal storms. In February, an inter-agency assessment mission reported that a total of 44,000 people had been affected by the unprecedented Indian Ocean tsunami along the northern and eastern coastlines of Somalia. The mission ascertained that critical humanitarian needs, such as food, shelter, water, health and non-food items, had been largely met through the quick humanitarian response provided by United Nations agencies, local communities and non-governmental organizations. The generous and timely contributions of donors substantially facilitated the response. Nevertheless, continued relief and livelihood assistance is required. The need for equitable resource allocation to other vulnerable communities, such as destitute pastoralists and internally displaced persons, must also be borne in mind. United Nations agencies and non-governmental organizations have already embarked on recovery programmes.

44. The effects of several years of drought continue to be felt in Somalia. An estimated 500,000 people remain in a state of humanitarian emergency or livelihood crisis in drought-affected areas. Despite the good *deyr* rains in 2004/05, which improved water availability and pasture, recovery is slow as pastoralists have been unable to fully benefit from the better conditions due to significantly reduced herd sizes, excessive debt levels and widespread destitution. Recovery is also hampered by recurrent instability, which limits access to markets, grazing and other resources.

45. In the Juba and Shabelle areas, the *deyr* 2004/05 cereal production fell to its lowest post-war level due to inundation and localized floods caused by heavy rains. Flooding has continued in the *gu* rainy season in the Hiran and Middle Shabelle regions, where the situation remains precarious, with several thousand households now forced to vacate their riverine villages. In mid-April, heavy rain and floods hit Hargeysa in "Somaliland", causing widespread damage to infrastructure. The United Nations has assisted over 6,000 people affected by flooding in "Somaliland" and southern Somalia through the provision of relief supplies, access to safe water and preventative measures against outbreaks of cholera and malaria.

46. United Nations agencies, in partnership with national and international non-governmental organizations, have developed strategic plans for effective assistance

to the estimated 400,000 internally displaced persons scattered over 32 sites in Somalia. In cooperation with non-governmental organization partners and local authorities, the United Nations has supported efforts to accelerate assistance for internally displaced persons and returnee populations in "Somaliland" and "Puntland." However, the protective environment for most internally displaced persons in Somalia, particularly the 250,000 residing in Mogadishu, remains weak. The highly volatile environment continues to restrict access to those communities, which remain vulnerable to harassment, exploitation and extortion.

47. In 2005, a total of 5,856 Somali refugees were repatriated to Somalia from Ethiopia and Djibouti. The majority of the returnees came to "Somaliland", while others were airlifted from Djibouti to "Puntland". Reintegration projects are designed to facilitate the return of Somali refugees from asylum countries, improve infrastructure and create livelihoods in the receiving communities.

VI. Operational activities to promote peace

Governance

48. The United Nations has been working closely with the Transitional Federal Parliament. It has established the Somalia Emergency Budgetary Support Project to serve as a coordinated funding mechanism providing budgetary support for the nascent Somali institutions, including immediate interventions to support and stabilize the Transitional Federal Government inside Somalia.

49. To date, the Somalia Emergency Budgetary Support Project has secured more than $6 million and has established a joint Transitional Federal Government/donor-led steering committee to manage the coordinated use of funds. Technical working groups have been established for: payroll systems; the Transitional Federal Government relocation plan; a future office of a comptroller general and revenue generation; and capacity for the Government's Liaison Office in Nairobi. A logistical support initiative is being worked on for the relocation of the registered Somali delegates and Transitional Federal Government officials, numbering more than 700, to various locations inside Somalia. Technical expertise is in place to set up a payroll system and civil service and human resources management capacities.

50. The New Beginnings — Somalia Civil Service project under the auspices of the United Nations began in May. The objective is to initiate discussion within the Transitional Federal Government on key issues relating to the civil service and to coordinate civil service and human resources planning and management. The project is intended to address the urgent need for external support to the Government to enable it to start implementing practices of effective and responsive governance.

51. With increased funding from donors in 2005, the Financial Services Development Project under the auspices of the United Nations has undertaken several initiatives with the Somali Financial Services Association and the formal banking sector. The project has also initiated the process for establishing a Somali central bank, as well as the development of a basic framework to make it operational.

52. The United Nations, with donor support, has started the Qualified Expatriate Somali Technical Support project, which seeks to facilitate the transfer of diaspora expertise to Somalia. Five educational, four agricultural and one health project have

been ongoing since January 2005. The projects include support for the Ministry of Livestock in "Somaliland", increasing the capacity of primary school staff in Bulo Burte and Belet Weyne and improving the capacity and service delivery of nurses and midwives in Mogadishu.

53. In "Somaliland", the United Nations has organized the "Somaliland" Urban Forum in Hargeysa to assist the region's seven municipalities in sharing information and planning initiatives for urban management and in the delivery of social services. Efforts are under way to establish a civil service institute in "Somaliland" to train and upgrade the professional skills of managers and administrative and clerical staff of the "Somaliland" administration.

54. The United Nations is continuing to support the "Somaliland" Law Review Commission. Members of the Commission recently completed the last of a two-phase training course on basic principles of statutory analysis. The Commission was also given technical assistance to formulate a statute review protocol to reconcile reviewed statutes with internationally recognized standards of human rights. The Commission is presently reviewing the "Somaliland" Penal Code.

55. The United Nations also continues to support the legal clinic at the University of Hargeysa, which provides free legal representation to economically disadvantaged individuals and groups. A training programme for the justice sector of Middle Shabelle and a rehabilitation project of the Berbera Prison in "Somaliland" are also being implemented.

56. A national conference was held in Hargeysa on 10 May to finalize the draft laws for the establishment of a national human rights commission, which was one of the main recommendations of the United Nations Independent Expert on Human Rights for Somalia.

57. The United Nations has undertaken the construction of the Armo police academy in "Puntland", which will have the capacity to train 300 cadets, including 60 women. In addition, the rule of law programme has rehabilitated and equipped two police stations in "Somaliland" (in Berbera and Dhoqoshey). In "Somaliland", training has also been conducted for the Internal Control Unit, the Special Protection Unit and the Criminal Investigations Department. The Special Protection Unit continues to provide protection to staff and the premises of humanitarian and development organizations in "Somaliland."

Disarmament, demobilization and reintegration

58. During the reporting period, the United Nations has developed policy and operational plans for disarmament, demobilization and reintegration countrywide, including the provision of technical assistance through the Somalia Strategic Demilitarization Planning Unit, which worked closely with the Transitional Federal Government, the donor community and the African Union. The Unit also provided technical assistance and planning support for security sector transformation and the establishment of a police force.

59. In preparing for disarmament, demobilization and reintegration, security sector reform has been specifically supported by the United Nations in strong partnership with the "Puntland" and "Somaliland" authorities. The United Nations is in the process of registering and surveying over 15,000 security forces and militia in both locations. The demobilization and reintegration of several thousand forces in

"Somaliland" and "Puntland" is under way, while pilot projects and planning will continue to be undertaken in Central/South Somalia pending large-scale demobilization in partnership with the Transitional Federal Government. Apart from economic reintegration, the United Nations also provides strong psychosocial assistance to address widespread drug addiction, trauma and mental illness among the ex-combatants entering the programme.

60. Small arms and light weapons control strategies, including the development of a legal framework, strengthened police controls and advocacy on "gun safety", have been undertaken in "Somaliland", and efforts now focus on assisting "Puntland" and the central/southern regions to curtail the proliferation of weapons in the country.

Livelihood

61. To support the compilation of district-level poverty profiles and poverty mapping, the United Nations continued its settlement-level survey and completed the field survey in three regions in "Puntland". The survey collected geographical coordinates for health, education and other basic services to map facilities and identify development gaps in the provision of essential services. The United Nations is also supporting two vocational training centres in the port cities of Berbera and Boosaaso, which are in the process of being restructured and managed locally. The United Nations is also taking part in long-term infrastructure rehabilitation in locations on the coast through the construction of local markets, women's centres and support to several income-generation projects for women.

62. Substantial progress was made to rehabilitate the Duduble ("Chinese") Canal in Middle Shabelle to reduce the intensity of floods and promote irrigation. The rehabilitation project is estimated to benefit over 50,000 people. The project was implemented by the regional administration and local communities with technical support from United Nations agencies. The United Nations contribution was 35 per cent of the estimated cost of $1 million, and the balance was mobilized by the community and the local administration. The canal was inaugurated by Prime Minister Gedi on 7 June.

63. Illegal fishing and processing by foreign trawlers and other vessels is becoming a matter of increasing concern to Somali leaders and coastal communities. The pillage of Somali Indian Ocean and Red Sea waters by literally hundreds of such vessels from a variety of nationalities could cause overfishing and depletion of fish stocks. Some of these intruding vessels have attacked local Somali fishermen and destroyed their boats and equipment. Illegal fishing by foreign interests represents a loss of much-needed revenue for the new Transitional Federal Government and the regional authorities in "Puntland" and "Somaliland".

Health

64. Efforts to achieve the United Nations Millennium Development Goals for immunization in Somalia are ongoing through measles catch-up campaigns and the strengthening of routine immunization. Activities have focused on malaria, child immunization, emergency preparedness and response to acute nutritional emergencies. Surveys on malaria, including a knowledge, attitudes, behaviour and practices survey, have been completed. Distribution of insecticide-treated nets is ongoing, with the focus on hyperendemic areas. Funding has also been secured to

conduct a maternal and neonatal tetanus immunization campaign for women of childbearing age in "Puntland" and parts of southern Somalia.

65. The first year workplan for the Global Fund to Fight AIDS, Tuberculosis and Malaria was finalized. The United Nations has facilitated coordination meetings of various local Somali HIV/AIDS organizations with a view to strengthening their capacity and mainstreaming their practices.

66. The United Nations Theme Group on HIV/AIDS is currently supporting a health systems assessment for comprehensive HIV/AIDS service delivery, as well as the drafting of national clinical HIV/AIDS management guidelines. This activity supports the development of common modalities to implement priority HIV/AIDS interventions identified by a joint strategic framework.

Youth

67. The United Nations youth development and participation project concluded a review of youth mentoring activities in 2004 and provided on-site technical support to youth groups in Somalia. The review highlighted the need to have a set of trained youth capable of delivering leadership and organizational development and mentoring support to youth groups. A total of 28 trained youth mentors will deliver on-site technical support to youth groups during 2005. As part of the newly initiated "Somaliland" urban development programme, the United Nations will be involved in training youth groups in good governance with the objective of enhancing their participation in district-based local governance processes.

Water and environmental sanitation

68. The United Nations Water and Environmental Sanitation project has supported the tsunami-affected population of "Puntland" and provided emergency water services. The construction of new water supplies to replace those on the coastal strip that were contaminated has also been completed. Plans for the construction of a more permanent water supply to the town of Hafun have been put in place.

69. Other water and environmental sanitation support activities included the drilling of new boreholes in drought-affected areas of Somalia; the construction of an urban water system in Gabilay, in "Somaliland"; and the chlorinating of water supplies in Mogadishu to prevent cholera. The United Nations is also supporting a study to find a new water source for the city of Hargeysa, which will enable some 350,000 people to access adequate water in the city.

Child protection

70. The United Nations has conducted a lessons-learned review of the work undertaken by child protection advocates in strengthening the capacities of communities to respond to and prevent protection violations. The United Nations also collaborated on a project aimed at the rehabilitation and reintegration of former child soldiers in Kismaayo, Merca and Mogadishu, which has benefited 420 children. The United Nations is supporting a community-based psychosocial care and support strategy for vulnerable children and their families and is helping to establish a cadre of paraprofessional psychosocial workers.

71. Assistance has included the provision of shelter supplies and the expansion of community-based health and nutrition services. The United Nations is targeting

rural and marginalized communities with child survival interventions, including a measles/vitamin A campaign and the expansion of more sustained health and education services.

VII. Observations

72. Somalia's neighbours, IGAD, the African Union and the League of Arab States have continued to show keen interest in helping Somalis to establish a functional Government. The European Union and donor countries have committed significant financial resources and political support for the formation of the Transitional Federal Government and its institutions.

73. I express my appreciation for their efforts and continue to urge them to maintain their determination to help Somalia. My new Special Representative and all United Nations agencies and programmes stand ready to support the efforts of the Transitional Federal Government and all other Somali leaders to restore peace, reconciliation and stability in the country. Moreover, the United Nations has made preparations to coordinate and complement the support of the international community for Somalia.

74. It is of utmost importance that the Transitional Federal Government and the transitional federal institutions relocate to Somalia so as to ensure continued credibility with the people of Somalia and the international community. There are serious challenges linked to the relocation, including security, the choice of capital city and lack of infrastructure and resources. However, it is clear that the Government's relocation plan has become fraught with controversy and opposition, which could assume further divisions along clan and regional lines.

75. There is an urgent need for Somali leaders to enter into a serious dialogue in the search for a consensus on the important issues regarding relocation. I welcome the efforts of the leaders in Mogadishu to restore stability in the capital. I urge the international community to help in providing the necessary technical and material support that would improve the quality of those efforts. However, their efforts must become national in order to give confidence to all Somalis. I reiterate my appeal to the Transitional Federal Government and Parliament, as a matter of priority, to seek an agreement from all faction and militia leaders to cease hostilities and enter into immediate negotiations for a comprehensive ceasefire agreement. The United Nations is ready to support negotiations for such an agreement, in collaboration with other partners.

76. With the support for the expansion of UNPOS by the necessary organs of the United Nations, I look forward to a further energized role of the United Nations in the stabilization of Somalia. The Coordination and Monitoring Committee can be a useful mechanism to oversee and guide assistance to Somalia. However, there is need to complete the process of making it structurally stronger in order to allow for quick responses to problems. The urgent need for the formation of a secretariat cannot be overemphasized. It is my sincere hope that donor countries, as well as regional countries and organizations, will assist and support my new Special Representative, who is pursuing his duties with enthusiasm.

77. As mentioned in paragraph 21 above, the Chairman of the AU Commission has informed me that planning is under way for a peace support mission for Somalia by

IGAD and the African Union. As part of the expansion of UNPOS, a military adviser is expected to join the Office's staff. One of his tasks will be to liaise with military counterparts in the African Union, IGAD and other relevant institutions. The United Nations stands ready to assist with technical support and advice within its capacity.

78. I once again underline the importance that training programmes envisaged for foreign troops and Somali security forces include a humanitarian and human rights component. In the area of disarmament, demobilization and reintegration, the United Nations will continue to support the efforts and build on the experiences of United Nations agencies already involved in such programmes.

79. The fact that the deployment of any foreign military force in Somalia will require an exemption from the Security Council arms embargo on Somalia poses a challenge for the international community at large and the United Nations in particular. The recent report of the Monitoring Group on Somalia (see S/2005/153, enclosure) made it clear that violations continue to occur and weapons and explosives continue to flow into the country. In its resolution 1587 (2005), the Security Council mandated the Monitoring Group to continue monitoring the proper implementation of the arms embargo. The enforcement of the arms embargo, with improved monitoring capacity and the establishment of enforcement measures, would considerably enhance security in Somalia.

80. I commend the efforts of United Nations programmes and agencies and their partners who continue to provide humanitarian assistance and undertake operational activities to promote peace and development in Somalia in the face of exceedingly difficult and dangerous conditions. Their efforts and those of their partners in Somalia must be supported with the requisite resources.

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Security Council

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Letter dated 16 June 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to bring to your attention resolution 1595 (2005), by which the Security Council established an international independent commission of the United Nations to investigate the killing of the former Prime Minister of Lebanon, Rafik Hariri, and 20 other persons. In paragraph 4 of this resolution, the Council requested me to notify it of the date on which the Commission would begin its full operations. In reply to this request, I hereby inform you that the Commission is fully operational as from today, 16 June 2005.

As you are aware, on 16 May I appointed Mr. Detlev Mehlis as Commissioner to head the work of the Commission. Mr. Mehlis arrived in Beirut on 26 May, began talks with the Lebanese authorities on the subject of the functioning of the Commission and embarked on a review of the evidence and information collected in the course of the investigations and inquiries into the crime.

This week, Mr. Mehlis brought to their conclusion some talks on a memorandum of understanding with the Lebanese Government, which I am attaching (see annex). He has been adding to the small team which accompanied him to Beirut and has begun to establish the headquarters of the Commission, keeping in mind the safety and security of his staff. He has instructed a team of explosives experts to examine whatever remained after the explosion which killed Mr. Hariri and the other victims. The experts have already formed an opinion on a number of critical points. Thanks to the progress which he and his colleagues have made, Mr. Mehlis was able to inform me that the Commission would enter its genuinely operational phase today.

Pursuant to paragraph 9 of resolution 1595 (2005), I intend to report orally to the Council every two months on the progress of the Commission's work, beginning from today.

(*Signed*) Kofi A. **Annan**

05-38807 (E) 160605 170605

Annex

الأمم المتحدة
اللجنة المستقلة الدولية للتحقيق

UNITED NATIONS
INTERNATIONAL INDEPENDENT
INVESTIGATION COMMISSION

NATIONS UNIES
COMMISSION D'ENQUETE
INTERNATIONALE INDEPENDANTE

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF LEBANON

AND

THE UNITED NATIONS

REGARDING

THE MODALITIES OF COOPERATION FOR THE INTERNATIONAL INDEPENDENT INVESTIGATION COMMISSION

REAFFIRMING that the International Independent Investigation Commission (the "Commission"), established pursuant to UN Security Council resolution 1595 is to assist the Lebanese authorities in their investigation of all aspects of the 14 February 2005 terrorist bombing in Beirut, Lebanon that killed former Lebanese Prime Minister Rafic El Hariri and others.

RECALLING the letter of 29 March 2005 from the Chargé d'affaires a.i. of Lebanon before the United Nations to the Secretary-General expressing the readiness of the Government of the Republic of Lebanon (the " Government") to fully cooperate with the Commission within the framework of Lebanese sovereignty and of its legal system, as well as recalling the meetings between the Commission and the Government in which its intention was reiterated;

REAFFIRMING that the Commission is to determine its own procedures taking into account the Lebanese law and judicial procedures;

The Government and the United Nations, therefore, have agreed as follows:

1. The Public Prosecution Department of the Supreme Court, represented by the Public Prosecutor or his/her Deputy Directors, as delegated by him/her for this purpose, shall ensure coordination as appropriate, between the Commission and the Judicial Investigating Magistrate in charge of the judicial file and the investigation of the case.

2. The President of the Criminal Division of the Supreme Court shall ensure cooperation between the Commission, the Ministry of Justice and other Ministries concerned. This cooperation shall, *inter alia*, advise the Commission on the appropriate procedures for the collection of evidence in accordance with the Lebanese Law.

3. The Government shall guarantee that the Commission is free from interference in the conduct of its investigation, and is provided with all necessary assistance to fulfill its mandate, including:

    a- Provision of all documentary, testimonial and physical information and evidence in possession of the Lebanese authorities on the case as soon as possible, but no later than three (3) days after the signature of this MOU. Any additional documentary, testimonial or physical information and evidence that may be collected by the Lebanese authorities after the signature of this MOU, shall also be provided to the Commission as soon as possible, but no later than three (3) days from the date they were collected;

    b- Authority to collect any additional information and evidence, both documentary and physical, as well as to request any other judicial proceedings that the Commission may deem relevant to its investigation, as set out in Article 4 below;

    c- Freedom of movement throughout the Lebanese territory;

d- Unrestricted access to all places and establishments;

e- Freedom to meet and interview representatives of governmental and local authorities, military authorities, community leaders, non-governmental organizations and other institutions, and any such person whose testimony the Commission may wish to seek for the investigation, in an environment of security, confidentiality and tranquility; and

f- Appropriate security arrangements for the personnel and documents of the Commission, without restricting the freedom of movement and its investigation.

4. The Commission shall make requests for all witnesses or persons of relevance to the investigation to be summoned, and for any other necessary judicial proceeding, through the competent Lebanese authorities and in accordance with the procedures of the Lebanese Criminal Procedure Code. However, the Commission, if it considers it necessary, may interview the witnesses without requesting the intervention of the Lebanese authorities.

5. The Commission may participate in any search related to the case, carried out at its request or not. The Commission shall have the right to guide the competent authorities as to any action that should, or should not, be taken during such searches, with a view to preserving or obtaining evidence. The Judicial Investigating Magistrate may participate, upon the solicitation by the Commission as it may consider necessary, in the investigation proceedings, including visits to the scene of the crime, inspections, searches and testimonies that the Commission may request.

6. The Ministry of Justice will consider establishing, in consultation with the Commission, a witness protection programme.

7. Within three (3) days upon completion of the work, all judicial evidence that the Commission may have collected during its investigation shall be handed over to the Judicial Investigation Magistrate to be used, as appropriate, in accordance with Lebanese law, before Lebanese Courts.
However, during its investigations, and when it finds it suitable, the Commission can provide the Judicial Investigating Magistrate, a copy of the evidences that are collected.

8. The Government shall respect at all times the strict confidentiality of the investigation and of all aspects of the work of the Commission.

9. The Government shall provide free of charge suitable premises for the work of the Commission in a secure, confidential and tranquil environment and shall ensure its inviolability. The Government shall also provide alternative temporary locations, as necessary and as requested by the Commission, to conduct interviews and to collect testimony that may require special measures of security and confidentiality.

10. The Government shall apply the 1946 Convention on the Privileges and Immunities of the United Nations, to which the Republic of Lebanon acceded on 10 March 1949, to the Commission, its members, property, documents and assets, for the independent conduct of the investigation.

11. Any disagreement concerning the interpretation of this MOU shall be settled by negotiations. This MOU shall enter into force upon signature and shall remain valid until the conclusion of the work of the Commission.

Done in Beirut, on ..13.....June 2005, in two originals in the Arabic, English and French languages, all texts being equally authentic.

For the Government of the Republic of Lebanon
Minister of Justice

Khaled Kabbani

For the United Nations Commissioner

Detlev Mehlis

United Nations S/2005/393*

Security Council

Distr.: General
20 June 2005
English
Original: French

Letter dated 16 June 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to bring to your attention resolution 1595 (2005), by which the Security Council established an international independent commission of the United Nations to investigate the killing of the former Prime Minister of Lebanon, Rafik Hariri, and 20 other persons. In paragraph 4 of this resolution, the Council requested me to notify it of the date on which the Commission would begin its full operations. In reply to this request, I hereby inform you that the Commission is fully operational as from today, 16 June 2005.

As you are aware, on 16 May I appointed Mr. Detlev Mehlis as Commissioner to head the work of the Commission. Mr. Mehlis arrived in Beirut on 26 May, began talks with the Lebanese authorities on the subject of the functioning of the Commission and embarked on a review of the evidence and information collected in the course of the investigations and inquiries into the crime.

This week, Mr. Mehlis brought to their conclusion some talks on a memorandum of understanding with the Lebanese Government, which I am attaching (see annex). He has been adding to the small team which accompanied him to Beirut and has begun to establish the headquarters of the Commission, keeping in mind the safety and security of his staff. He has instructed a team of explosives experts to examine whatever remained after the explosion which killed Mr. Hariri and the other victims. The experts have already formed an opinion on a number of critical points. Thanks to the progress which he and his colleagues have made, Mr. Mehlis was able to inform me that the Commission would enter its genuinely operational phase today.

Pursuant to paragraph 9 of resolution 1595 (2005), I intend to report orally to the Council every two months on the progress of the Commission's work, beginning from today.

(*Signed*) Kofi A. **Annan**

* Reissued for technical reasons.

05-38807* (E) 160605 200605

Annex

الأمم المتحدة
اللجنة المستقلة الدولية للتحقيق

UNITED NATIONS
INTERNATIONAL INDEPENDENT
INVESTIGATION COMMISSION

NATIONS UNIES
COMMISSION D'ENQUETE
INTERNATIONALE INDEPENDANTE

MEMORANDUM OF UNDERSTANDING

BETWEEN

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Done in Beirut, on ..13.....June 2005, in two originals in the Arabic, English and French languages, all texts being equally authentic.

For the Government of the Republic of Lebanon
Minister of Justice

Khaled Kabbani

For the United Nations Commissioner

Detlev Mehlis

United Nations A/59/849–S/2005/394

General Assembly
Security Council

Distr.: General
16 June 2005
English
Original: Spanish

General Assembly
Fifty-ninth session
Agenda item 148
Measures to eliminate international terrorism

Security Council
Sixtieth year

Letter dated 15 June 2005 from the Permanent Representative of Venezuela (Bolivarian Republic of) to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith important information concerning the case of the terrorist Luis Posada Carriles, who is currently in the territory of the United States of America (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the General Assembly, under agenda item 148, and of the Security Council.

(*Signed*) Fermín **Toro Jiménez**
Ambassador
Permanent Representative

05-38801 (E) 220605 220605

Annex to the letter dated 15 June 2005 from the Permanent Representative of Venezuela (Bolivarian Republic of) to the United Nations addressed to the Secretary-General

I

An act of terrorism that shocked the international community and the peoples of the world occurred in 1976, when a Cubana Airlines flight was blown up with explosives placed in one of the toilets of the plane, taking the lives of 73 athletes.

One of the principal authors of this terrorist act, Luis Clemente Posada Carriles, a Venezuelan national, was put on trial in Venezuela on charges of aggravated homicide, manufacture of weapons of war and betrayal of his country. In 1985, the aforementioned terrorist succeeded in escaping from the penitentiary in Venezuela where he was serving his sentence and was captured by Panamanian authorities in 2000 when he attempted to carry out another terrorist act against the President of the Republic of Cuba, Fidel Castro Ruz. He was sentenced to eight years in prison by the judicial authorities of Panama and subsequently pardoned by the then President of Panama, Mireya Moscoso.

In April 2005, the Bolivarian Republic of Venezuela, on the basis of intelligence information, denounced the possible presence of the terrorist Luis Clemente Posada Carriles in the territory of the United States of America. This report was denied at the time by the Assistant Secretary of State of the United States, Roger Noriega.

Since that time, there have been a number of developments in the territory of the United States that deserve comment. First, the attorney for the terrorist announced that Luis Clemente Posada Carriles had requested political asylum in the territory of the United States on the grounds of the services that he had provided to the United States for more than 40 years as a member of the Central Intelligence Agency (CIA) and of the United States armed forces. Secondly, after the above information was made public, complaints were received from various countries over the presence of the terrorist in the United States. The reports were again denied by White House spokespersons. Thirdly, on 17 May 2005, the United States immigration authorities detained the terrorist after the fugitive from Venezuelan justice made statements on television in the United States.

II

On 13 May 2005, the Government of the Bolivarian Republic of Venezuela, through its Embassy in Washington, in accordance with the provisions of Article XI of the Extradition Treaty concluded between Venezuela and the United States on 19 January 1922, requested in a diplomatic note the remand in custody of Luis Clemente Posada Carriles and, to that end, submitted the required documents to the Legal Office of the State Department responsible for extradition mattes, which is the competent agency to which such requests must be submitted. The petition for preventive measures had been originally submitted to the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela by Criminal Court No. 36 of First Instance of the Metropolitan Area of Caracas, in conformity with article 394 of the Organizational Code of Criminal Procedure, based on the request for extradition submitted by the above-mentioned Court to the Criminal Appeals Chamber of the Supreme Court of Justice on 27 April 2005. On 2 November 1976, the then Criminal

Court of First Instance of the Judicial Circuit of the Federal District and State of Miranda determined "the guilt and consequent criminal responsibility of Orlando Bosch and Luis Clemente Posada Carriles as co-authors of the sabotage of Cubana Airlines flight No. CU- 455". For this act, Luis Clemente Posada Carriles was found guilty of being co-author of the crimes of aggravated homicide, manufacture of weapons of war and betrayal of his country and was imprisoned in various penal institutions in Venezuela from 1976 until 18 August 1985. After several attempts, he escaped on the latter date from the General Penitentiary of Venezuela, thereby evading the legal process of serving the term of imprisonment to which he had been sentenced.

On 21 August 2001, the Fourth Transitional Court of Procedure of the Criminal Judicial Circuit of the Metropolitan Area of Caracas was informed of the detention of Posada Carriles by the Panamanian authorities on 17 November 2000 in the Coral Suites Hotel of Panama City for possession of explosives, and agreed to initiate before the Supreme Court of Justice the process to secure the extradition of the terrorist by the Government of Panama. The request was submitted by the Government of the Bolivarian Republic of Venezuela to the Government of Panama in January 2001 and was denied by the Government of Panama in its Executive Decision No. 6, dated 28 February 2002.

Luis Clemente Posada Carriles was subsequently pardoned by the President of the Republic of Panama on 26 August 2004.

Since the crimes of which he is accused are not subject to prescription, Office No. 33 of the Public Prosecutor of the Metropolitan Area of Caracas requested that Luis Clemente Posada Carriles be arrested as a direct collaborator in the commission of the crime of aggravated homicide, which is covered by and punishable under article 408 (1), pursuant to article 83 of the Penal Code, for betrayal of his country, which is covered by and punishable under article 464 (3) of the Code of Military Justice, and for the manufacture of arms. On 14 April 2005, the Thirty-Sixth Court of First Instance, which has responsibility for oversight of the Criminal Circuit Court of the Metropolitan Area of Caracas, agreed to issue a warrant for the arrest of Luis Posada Carriles, in conformity with the provisions of article 5 of the Organizational Code of Criminal Procedure, and of article 49, chapter III, of the Constitution of the Bolivarian Republic of Venezuela.

On 27 May 2005, the Department of State of the United States of America denied the request for remand in custody for the purpose of extradition of the Venezuelan terrorist Luis Clemente Posada Carriles. It alleged in this regard that there was insufficient information on the facts and circumstances of the participation of Luis Clemente Posada Carriles in the crimes for which he had been convicted and sentenced.

On 1 June, the Embassy of the Bolivarian Republic of Venezuela sent a note to the Department of State in reply to the latter's diplomatic note of 27 May 2005. The note confirmed the request of the Government of Venezuela for the remand in custody of the above-mentioned citizen and our Government's wish to stress that the request for remand in custody submitted by Venezuela was fully in compliance with the established requirements for extradition requests. However, in order to provide any additional details in connection with the request in question, we undertook to supply as soon as possible additional information from the competent authorities to

permit the aforementioned remand in custody of Luis Clemente Posada Carriles for the purpose of extradition.

On 2 June 2005, by diplomatic note, the Venezuelan Government renewed its request for remand in custody for the purpose of extradition, which was submitted on 13 May 2005, and expressed its willingness to collaborate with the United States authorities in order to provide a sufficient legal basis for proceeding with the requested action. All of this was based on the Extradition Treaty in force between our two countries, the seriousness of the crimes of which Luis Posada Carriles is accused, and the principle of reciprocity.

On 10 June 2005, the Embassy of the Bolivarian Republic of Venezuela, on behalf of the Venezuelan Government, submitted the following to the United States Department of State for the purpose of the remand in custody of Luis Clemente Posada Carriles:

Additional information from the Venezuelan judicial organs on the facts and circumstances that showed the active participation of the fugitive Venezuelan citizen Luis Clemente Posada Carriles in the crime of aggravated homicide in the terrorist bombing of the Cubana Airlines flight that took the lives of 73 people, including a pregnant woman. The documents provided include abundant evidence that Luis Clemente Posada Carriles was responsible for the bombing of the aircraft, which occurred on 6 October 1976.

Copy of documents that prove the following:

(a) That Luis Clemente Posada Carriles is a naturalized Venezuelan citizen, bearer of identity card No. V 5304069;

(b) The criminal charge against the accused for aggravated homicide;

(c) Evidence of his escape from prison;

(d) Warrant of arrest against the fugitive;

(e) Evidence that the alleged intellectual author of the crime is Luis Posada Carriles. Freddy Lugo and Hernán Ricardo have been declared the material authors by the Venezuelan judicial system;

(f) Testimony of Hernán Ricardo, in which he admits that he planted the C-4 bomb in the rear toilet of the plane after having boarded the plane in Caracas, and that he informed Posada Carriles of this, referring to the passengers as dead dogs;

(g) Testimony of Marinés Vega Urbina alleging that shortly after the bombing of the plane, she called Hernán Ricardo to ask him to call Luis Clemente Posada Carriles to tell him that they had successfully carried out the operation and that they needed his assistance urgently;

(h) Testimony of Freddy Lugo, confirming his participation in the sabotage of the plane and the urgent calls made to Posada Carriles shortly after the incident to request his assistance;

(i) Statement of Luis Clemente Posada Carriles, in which he admits the existence of a relationship with the material authors who were accomplices in the crime;

(j) Statements by the officials who investigated the crime in the island of Trinidad, indicating the guilt of the individuals accused of the terrorist act;

(k) Record of the case in Venezuela, which shows that after a legal trial in the military courts, the case was withdrawn on 24 March 1983 on the grounds that it was the wrong forum. The case was subsequently sent to the ordinary criminal courts where it was still pending when, just before the court's ruling on 18 August 1985, Luis Clemente Posada Carriles escaped from the prison of San Juan de los Morros, in the State of Guárico;

(l) Evidence that the crime has not been extinguished by prescription, since, in accordance with article 110 of the Criminal Code, when an individual who is sentenced to a term of imprisonment escapes from prison, the period of prescription is suspended until a new judicial proceeding is completed.

III

The Venezuelan Government has reiterated that the Venezuelan citizen Luis Clemente Posada Carriles is subject to a judicial proceeding in Venezuela which has been temporarily suspended as a result of his escape from the penitentiary in which he had been detained. To that end, the Government of Venezuela has reiterated its request for remand in custody for the purpose of extradition and has requested the cooperation of the United States authorities in preventing Luis Posada Carriles from escaping once more from the action of the courts. Cooperation is a fundamental tool in the fight against terrorism.

Lastly, the Government of the Bolivarian Republic of Venezuela has reiterated to the Government of the United States its duty to fulfil the obligations which it assumed under the Extradition Treaty in force between our two countries. Under this Treaty, the United States authorities are obliged to extradite the terrorist Luis Clemente Posada Carriles, pursuant to the relevant bilateral and multilateral treaties in force and to resolution 1373 (2001) of the Security Council. We reject out of hand any legal artifice by the United States authorities, including deportation to another country other than ours which may serve as a refuge for the terrorist and fugitive from Venezuelan justice, to evade compliance with the obligation to extradite by which the Government of the United States of America is bound.

In keeping with its firm commitment to the fight against terrorism, the Bolivarian Republic of Venezuela has ratified numerous multilateral and bilateral, general and regional agreements in this field. It is also drafting national laws against terrorism with a view to updating its domestic laws and bringing them into line with the international regime to combat terrorism. It has also undertaken recent actions to promote international cooperation at the national, bilateral, multilateral, general and regional levels against terrorism. Noteworthy among these actions are those being carried out by the Inter-American Committee against Terrorism (CICTE). It has also adopted national measures to ensure the timely exchange of information on the prevention of and fight against terrorism.

In conclusion, we urge Member States of the United Nations to resolutely continue the fight against terrorism and to avoid double standards. The terrorist Luis Clemente Posada Carriles must be extradited to Venezuelan territory to serve his sentence for the crime committed, in accordance with criminal law and under Venezuelan jurisdiction.

United Nations S/2005/395

Security Council

Distr.: General
17 June 2005
English
Original: French

Letter dated 15 June 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire, adopted on 30 July 2004 at Accra, and to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29), and also to my previous letters to the President of the Security Council transmitting the reports of the Tripartite Monitoring Group established under the Accra III Agreement.

Please find attached the thirteenth and fourteenth reports of the Tripartite Monitoring Group, covering the periods from 1 March to 8 April and from 15 April to 31 May 2005 respectively (see annexes).

I should be grateful if you would arrange for this letter and its annexes to be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-38941 (E) 200605 060705

Annex I

[Original: English]

Implementation of the Accra III Agreement

Thirteenth report of the Tripartite Monitoring Group

Covering the period from 1 March to 8 April 2005

I. Introduction

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which established the Tripartite Monitoring Group and requested it to submit regular reports on the situation in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement. This Thirteenth Report covers major developments between 1 March and 8 April 2005. The coverage extends beyond the normal two weeks to the period after the Pretoria negotiations initiated by the African Union mediator, President Thabo Mbeki.

II. Overview

2. In spite of the relative calm following the attack on a Forces Nouvelles checkpoint position in the western town of Logouale on 28 February 2005, the security situation remains fragile, with occasional reports of activities of militias particularly in the West of the country.

3. The incident in Logouale has prompted the Forces Nouvelles to strengthen their positions along the zone of confidence, and around their headquarters in Bouake. Furthermore, in a letter addressed to UNOCI leadership and to President Mbeki, the Forces Nouvelles leadership deplored the reaction of the international community who, according to them, were slow in condemning the attack. They, therefore, requested an international inquiry to determine responsibility in this new violation of the ceasefire. Consequently, on 3 March 2005, a delegation of the Monitoring Committee traveled to Logouale to assess the situation on the spot. The Committee expressed its deep concern over the incursions by armed groups from the Government controlled zone trespassing the zone of confidence under the control of the impartial forces. They strongly condemned the attack. During a press conference held after the visit, UNOCI's Force Commander, General Fall, announced that ONUCI forces had handed 85 of the 87

arrested assailants to the Police Commissioner in Guiglo for appropriate judicial proceedings to be undertaken against them. The remaining two were minors who were handed over to ICRC and UNICEF.

4. On 8 March 2005, President Gbagbo made a one-day trip to Nigeria to visit President Olusegun Obasanjo in order to discuss the situation in Côte d'Ivoire. Discussions focused on the ongoing mediation mission of President Mbeki. President Gbagbo also complained to President Obasanjo about the recent decisions taken by the Forces Nouvelles which were, according to him, reinforcing the division of the country. These related to the establishment of a Police Academy, a Customs school, banks and an Insurance company in Bouake. A similar consultative visit was made to Abuja by ex-President Henri Konan Bedie, from 21st to 23rd March, on President Obasanjo's invitation in furtherance of the mediation efforts of the African Union.

5. Groups of "Young Patriots" launched a series of demonstrations in Guiglo, Duekoue, San Pedro and other towns in the West to demand the departure of the French Licorne forces. In order to avoid a resumption of hostilities in Abidjan, the Council of Ministers, at its meeting of 10 March 2005, extended the current ban on public demonstrations in Abidjan to June 2005. In response, the "Young Patriots" decided to organise their demonstrations outside Abidjan.

6. The European Union (EU) Commissioner for Co-operation and Development, Mr. Louis Michel, arrived on 19 March 2005 for a brief two-day visit in Côte d'Ivoire. During his visit, Mr. Michel had discussions with President Laurent Gbagbo, the President of the National Assembly, Mamadou Koulibaly, the Prime Minister Seydou Diarra, as well as the G7. The European Commissioner also met the leadership of the Forces Nouvelles. He conveyed the message of the European Union to continue suspending their aid as long as there was no progress reported over the peace process.

III. Developments in the peace process

Legislative reforms

7. On 3 March 2005, a communiqué was issued by the Presidency to put an end to the debate over the speculated "political vacuum" if elections did not take place in October 2005. In the communiqué, President Gbagbo reaffirmed that "Disarmament – Reunification – Free and Transparent Elections" was the only way to follow in order to

maintain and respect the constitutional legality in consonance with the Linas-Marcoussis Agreement. In the communiqué, it was also stated that the disarmament of the Forces Nouvelles should be an immediate priority and remained the sole condition for the restoration of peace in Côte d'Ivoire. Concerning the functioning of the Independent Electoral Commission, the President recalled that the Law No 2004-624 promulgated on 14 December 2004 should be applied and that the holding of the presidential elections in October 2005 should be considered as an urgent matter. Referring to a possible vacuum if elections were not held in October 2005, President Gbagbo made it clear that he would remain in office in accordance with the provisions of Articles 38 and 39 of the Constitution until an elected successor emerged.

8. A delegation of the Mouvance Parlementaire pour la Réconciliation et la Paix – a cross-party caucus in the National Assembly - met on 10 March 2005 with the Acting Special Representative of the UN Secretary-General to express its serious concerns on the security situation, especially in the West of the country. They underscored threats which they felt also weighed on the opposition leaders and asked for the protection of UNOCI. They also insisted on the application of the sanctions envisaged under Security Council Resolution 1572 against all who obstructed the peace process. They also requested that UN be involved in the organization of the elections in October 2005 in order to ensure their credibility and acceptance. UNOCI took note of their presentations and promised to convey them to New York. This same request had been made by Prime Minister Seydou Diarra during his consultations with President Mbeki in South Africa on 4 March 2005, as well as by Alassane Ouattara of RDR and Alphonse Djédjé Mady on behalf of the G7 Coalition of opposition political parties.

9. Following the request by the Monitoring Committee to revise all legislative texts which were not in conformity with the letter and the spirit of the Linas-Marcoussis Agreement, the Speaker of the National Assembly addressed his response to the Monitoring Committee. He stated that all the legislative texts, which had been recently promulgated, had been "adopted in strict conformity with the Constitution of Côte d'Ivoire, which vests the National Assembly "only" with the capacity to vote laws and the Deputies the right of amendment. He pointed that the rules of the Assembly require any review of the legislation to be carried out within a time limit before the promulgation, at the request of a requisite number of Deputies or the President of the Republic. He, however, promised to lay the matter before the Deputies.

Electoral process

10. In preparation for the forthcoming elections, the Government of National Reconciliation has set up an Inter-ministerial Committee to study and propose feasible conditions for identification and the establishment of electoral lists. This Committee comprises four Ministers representing the major political forces, namely Finance and Economy (FPI), Territorial Administration (FN), Justice (RDR) and Economic Infrastructure (PDCI). Three other Ministers will serve as advisors to this Committee, namely Security, Defence and Planning.

DDR

11. The events of 28 February 2005 have unfortunately adversely affected any progress made since January 2005 through the efforts of the joint UNOCI - South Africa mediation and the Prime Minister's mission in Bouake. In February 2005, officials of UNOCI and the CNDDR along with the South African mediation mission negotiated access to DDR sites in the Forces Nouvelles controlled areas and also with the aim of restoring dialogue with the Forces Nouvelles on the DDR process. A team composed of South African senior military advisors, the Chairman of the CNDDR and the Chief of the DDR division in UNOCI visited all DDR sites in Forces Nouvelles-controlled areas of Bouake, Korhogo, Man, Seguela and Bouna. In each zone, the delegation visited the military cantonment, and disarmament and demobilisation facilities. These visits also allowed the delegation to have discussions with FN Zone Commanders and to assess their willingness to implement the DDR process. Discussions mostly focused on security issues, rehabilitation work and relevant political considerations. FN commanders stated that FN might be willing to regroup their troops as soon as the two military protagonists reach a political compromise. They also agreed with CNDDR that rehabilitation work should commence. However, their main concern remained with the issue of security of the DDR sites and the zone of confidence. Forces Nouvelles requested that impartial forces secure the demobilisation sites during the DDR process for fear of possible attacks against them during the demobilisation phase. During the discussions, it appeared clearly that there was concurrence of views between the FN commanders and the political leadership. Commanders insisted on the necessary concomitance between the start-up of DDR and political and legislative reforms.

The Mbeki Facilitation mission

12. In reviewing President Mbeki's mediation mission, several matters of concern were emerging: the persistent refusal of the Forces Nouvelles to begin disarmament; the absence of agreement among political factions over the composition of the Independent Electoral Commission; the non-functioning of the Government; the thorny and controversial issue of the amendment to Article 35 of the Constitution. All these unresolved issues constituted serious threats to the current peace process and the mediation.

13. President Mbeki's envoys arrived on Sunday 13 March 2005 to undertake various levels of consultations. The delegation was led by the Minister of Defence Mr. Lekota, accompanied by Ambassador Gwadiso, South African Ambassador to Cote d'Ivoire, Advocate Mojanku Gumbi, Legal Advisor to the President, Mr. S.S. Sokupa, Assistant Director General of the South African Presidency and two legal experts, Judge Pascal Barandagiye, Judge of the Constitutional Court of Burundi, Mr. Idi Tuzinde Gaparayi, Legal officer of the UN War Crimes Tribunal at the Hague. There was a meeting with the Monitoring Committee to discuss the review of the legislative texts undertaken by the two legal experts. A copy of the text of their report, submitted to President Mbeki, was handed over to the Monitoring Committee. The Committee found their recommendations for review generally in accord with their own. This report was also handed over to the President, the Speaker of the National Assembly and the Prime Minister.

14. On the mediation process, Minister Lekota stated that there had been a slowdown due to several persisting grievances, complicated by the events of 28 February 2005. There was clearly emerging a sense of disappointment at the lack of political willingness on the part of the Ivorian political actors to move steadily in good faith towards resolving the crisis. President Mbeki and his team were, nonetheless, determined to persevere and exert the outmost influence on whomsoever to advance the peace process. They had in mind those issues which ought to be addressed in the process leading to the holding of the Presidential elections in October 2005.

15. The Mbeki mission recognised the difficulties in mobilising the Government of National Reconciliation to its normal functioning. These hinged primarily on the return of the Forces Nouvelles Ministers and on the proposals to provide close protection to guarantee their security. On DDR, they recognised that the DDR, beyond the initial

visits to the cantonment sites, needed the CNDDR's drawing up an accelerated programme of visits and other operational plans including the restructuring of the Armed Forces to give assurances of a safety net for the ex-combatants who would qualify to be reintegrated in a restructured National Armed Forces. Unfortunately, these tentative understandings appeared to have been jeopardized by the events of 28 February. President Mbeki had been requested to submit a report on the status of his current negotiations to assist the UN Security Council in its consultations over the impending renewal of the mandate of UNOCI. The Council deliberated on this matter on 28 March and 4 April 2005. The Council decided, in its resolution 1594 (2005), a review of progress in the Mbeki mediation, to renew the mandate for one month, until 4 May 2005. Subsequently, he is to submit a monthly report to the Chairperson of the African Union. These reports would invariably be shared with the UN Secretary-General and the Chairperson of ECOWAS.

16. At the instance of President Mbeki, talks aimed at relaunching the peace process in Côte d'Ivoire were held in Pretoria from 3 to 6 April. President Gbagbo (FPI), Prime Minister Seydou Diarra, ex President Bedie (PDCI), ex Prime Minister Alassane Ouattara (RDR) and Guillaume Soro (Forces Nouvelles) were invited, each with a delegation of four persons.

17. The formal letter of invitation was exhortatory. It summed up areas of agreement among the protagonists and set out several of the core issues to be addressed at the negotiations, namely Nationality; article 35, eligibility to the office of the President of the Republic; elections of October 2005 – free, fair and open to all. Underlying any progress, President Mbeki emphasized, was the factor of mutual confidence and trust, the lack of which currently "bedevilled' relations among the parties.

18. The 18-point Pretoria Agreement provided a wide canvass of broad political understandings on which to delineate the details of commitment for implementing the Mbeki Road Map of 6 December 2004. A symbolic and significant political declaration of the end of the war was made. Broad measures were spelled out for addressing the thorny issues of militias. DDR, return of the FN Ministers to the Government, the reconstitution of the Independent Electoral Commission and the Constitutional Council, the organization of the elections and the reconstitution of the management of the Ivorian Radio and Television (RTI). However, the all important and controversial issue of article 35 was not resolved in Pretoria. As reported, in the face of divergent positions, President Mbeki was entrusted with a mandate to hold consultations with the

Chairperson of the African Union and with the Secretary-General of the UN to come up with a compromise proposal.

Humanitarian situation

19. On a different matter, the Chairman of the AU has appointed a Special Envoy on the question of protecting civilian populations in situations of armed conflicts with the mandate to formulate and conclude on behalf of the AU a draft agreement on the protection of civilian populations in situations of armed conflicts. This agreement is to be seen as a form of Code of Conduct which essentially relies for its enforcement on moral sanctions and not on any formal structure of familiar political or economic sanctions. It should address the persisting and increasing failure to protect civilian life in times of conflict, especially the vulnerable populations such as women, children, the aged and the handicapped. The essence of this AU initiative is to put in place a strategy and process to ensure that such commitment is secured concretely by the signature and the military or armed protagonists to the text of the Agreement or Protocol. This Protocol was the subject of consultations by the Special Envoy, Mme Mame Madior Boye during her visit to Côte d'Ivoire. She had discussions with all the major political forces and the Monitoring Committee.

20. The Logouale incident and other ethnic tensions in the West have resulted in the displacement of thousands of people. It has been reported that some 15,000 people have fled their homes in the zone of confidence, on the axis of Bangolo-Guehebly-Fengolo towards Duekoue. There have also been reports of a series of clashes in the villages of Fengolo, Toa, Zeo and Diahouin close to the town of Duekoue. Many of these villages have been deserted after being attacked and burned down.

21. The death of 13 villagers who were allegedly tortured by forest guards during their detention in a prison in Bouafle, north of Yamoussoukro, has been reported. These villagers had been accused of trespassing and illegally occupying the Marahoue National Park. UNOCI has sent a mission of inquiry to establish the circumstances that led to these deaths. The mission has called on the government to investigate the death of these villagers.

22. According to a report by NGO Human Rights Watch, the Government of Côte d'Ivoire has recently recruited demobilised combatants in Liberia including children under the age of 18 to fight alongside with pro-government militias which are based in

the western towns of Guiglo, Blolequin and Toulepleu. According to this report, Liberian ex-combatants had been recruited in October 2004 just prior to the Ivorian government offensive against the rebel-held north of the country and recently in the beginning of March 2005 in anticipation of future attacks on rebel-held positions. Some of them are also said to have participated in the attack on a rebel position in Logouale on 28 February 2005 along with MILOCI (a pro-government militia). Most of them originate from the south-eastern counties of Grand Gedeh, River Gee and Maryland which border government controlled areas of Côte d'Ivoire. These ex-combatants who had been disarmed and demobilised in 2004 in Liberia, had subsequently signed up for education and skills training programmes supervised by the Liberian DDR programme. Unfortunately due to severe shortfalls in this programme, only a few training programmes had opened up. As regards the demobilised child combatants who had not been able to re-unite with their families or communities, some of them remained with their former commanders and were subsequently recruited to join militias to fight in Côte d'Ivoire. These threats to peace and security come from both sides, as there have also been reports of recruitment of disarmed Liberian adults by the Forces Nouvelles since August 2004.

IV. Conclusion

23. All Ivorian parties and international observers concerned agreed on the crucial importance of the meeting in Pretoria which was seen as the last chance for the early return of peace. The Pretoria Agreement of 6 April 2005 must be seen as a major political effort to renew dialogue and give a fresh impetus to the peace process. For several reasons, there are anxious expectations of the outcome of President Mbeki's consultations over article 35. The role of the UN (UNOCI) has to be fully clarified and the feasibility of the increased tasks placed on UNOCI should be critically assessed and authorized by the Security Council.

24. Notwithstanding the ray of hope emitted by the Pretoria Accord, it ought to be noted that the elections of October 2005 are only six months away. Immense and delicate tasks are yet to be accomplished. To this end, it is imperative that all parties concerned continue to make coordinated efforts to ensure that the progress made is not lost and the anticipated elections in October do not prove to be a fleeting illusion.

25. In this important regard, the principal actors in the Ivorian political drama must be urged to face up to their primary obligations to their country and its suffering population, show good faith and support unreservedly President Mbeki's impressive and dedicated mediation efforts.

(*Signed on behalf of the Group*) Ambassador Raph **Uwechue**
Chairman
8 April 2005

Annex II

[Original: English]

Implementation of the Accra III Agreement

Fourteenth report of the Tripartite Monitoring Group

Covering the period from 15 April to 31 May 2005

I. Introduction

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which established the Tripartite Monitoring Group and requested it to submit regular reports on the situation in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement, now extended into the recent Pretoria Accord. This Fourteenth Report covers major developments between 15 April and 31 May 2005. The extended coverage was necessitated by the unavoidable absence of the tripartite team variously on missions outside Côte d'Ivoire at different times during the period.

II. Overview

2. The general security situation was relatively calm throughout the country except in the West, particularly in and around Duekoue, Danane, Guiglo and Man where there were reports of ethnic tensions as well as grave abuses of human rights. In Abidjan, the situation has been relatively calm but insecure due to the rising level of criminality.

3. Immediately after the publication of the Pretoria Agreement, all sides of the political spectrum in Côte d'Ivoire welcomed it and underscored the critical importance of implementing the agreement in good faith. President Gbagbo spoke about the prospects for peace, with emphasis on disarmament, leading to reunification and the creation of conditions conducive to the holding of elections in October 2005. The Forces Nouvelles cautioned, however, that DDR should be implemented in tandem with safeguarding the overall security and effecting the agreed political and legislative reforms. Meanwhile, all registered political groups, except the Forces Nouvelles, were engaged in activities mobilising their constituents or supporters in readiness for the impending electoral campaign. All things being equal, the enthusiasm for the electioneering should be a good

indicator of the political will of the Ivorian leaders to resolve the issues in the peace process which will conduce to the holding of the elections in October 2005.

III. Developments in the peace process

The Mbeki Facilitation Mission

4. Following the Pretoria Agreement of 6 April 2005 broadly accepted by all the stakeholders, President Mbeki was entrusted with a mandate to consult the Chairperson of the African Union and the Secretary-General of the UN in order to come up with a compromise proposal on the unresolved issue of Article 35 (eligibility to the Presidency). At the end of his consultations, he addressed a letter dated 11 April 2005 to the parties to the Pretoria Agreement in which he ruled that nominees of the political forces signatories to the Linas-Marcoussis Agreement could stand as candidates in the forthcoming October 2005 presidential elections. He, therefore, called on President Gbagbo to use the exceptional powers conferred on him by Article 48 of the Constitution to facilitate this determination. (A signed copy of the letter is attached).

5. President Gbagbo decided to organise a series of consultations to plebiscite the views of a cross-section of identified groups on the matter, ranging from Youth and Women's associations; trade unions; religious and spiritual leaders; traditional chiefs and elders; farmers and agricultural workers; presidents and vice-presidents of Conseils generaux; mayors and vice-mayors; prefects; heads of State institutions and their bureaus; and representatives of the National Defence and Security Forces. Immediately following these consultations, on 26 April 2005, President Gbagbo addressed the Nation. In his Address, he indicated that as of that day (Tuesday 26 April 2005), he would use the exceptional powers conferred on him by Article 48 of the Constitution until the crisis was resolved. He, therefore, announced four initial measures: firstly, candidates nominated by the political forces signatories to the Linas-Marcoussis Agreement were eligible to run for the forthcoming presidential elections in October 2005; secondly, he indicated that this authorization was restricted only to the October 2005 presidential elections and hence that Mr. Ouattara was free to stand if he so wished. Thirdly, he designated the National Institute of Statistics (INS) as the 'sole agency" to compile the electoral lists for the elections of 2005 and to issue

voters' cards. Fourthly, he ordered the Independent Electoral Commission (IEC), constitutionally in charge of the organization of the elections, to take all the necessary measures to allow any political parties to verify the validity of the electoral lists at their convenience.

6. All major political parties generally welcomed President Gbagbo's decision to accept President Mbeki's ruling. The FPI was delighted to note that the use of Article 48 excluded any modification of the Constitution. The opposition parties described the statement, as a "step forward in the restoration of peace". However, they had some reservations about the authority and duties allocated to the National Institute of Statistics (INS). They questioned the neutrality of an institution whose head was known to have close political ties with the President. They also observed that the INS had not been allocated the requisite resources to accomplish such a mandate. The question was also raised as to what would be the role of the United Nations which, in the terms of the Pretoria Agreement, was to be involved in the work of the IEC and the Constitutional Council, as well as in the organisation of the general elections.

7. On the Constitutional powers conferred on President Gbagbo by Article 48 of the Constitution, the opposition parties observed that according to the Mediator's letter, President Gbagbo was to use this article only to give a legal basis to the eligibility of candidatures for the October 2005 elections. They contended that all the other measures taken by the President were designed "to allow him to control the electoral process and remain in power." In the light of the foregoing, Mr. Bedie and Mr. Ouattara subsequently sent a petition dated 20 May 2005 requesting President Mbeki to give his ruling on the matter. Earlier, in another letter to the UN Secretary General, they and the leaders of UDPCI and MFA had requested the UN to take full charge of the electoral process and the organisation of the elections in order to ensure their integrity and credibility.

Disarmament and Dismantling of Militias

8. In the Pretoria Agreement, responsibility for the disarming and dismantling of all militias throughout the national territory was placed under the Prime Minister of the Government of National Reconciliation. To this effect, certain Defence and Security forces (FDS) would be selected by the President of Côte d'Ivoire and placed at the disposal of the Prime Minister. They would be

supported by UNOCI. The likely role envisaged for the UN peacekeeping force would be to: (i) provide assistance to units of Defence and Security forces of Côte d'Ivoire in the collection, storage and destruction of unserviceable weapons, ammunition and explosives; (ii) provide a sense of security to disarmed militias by means of area domination patrols in the areas of settlement.

9. Work on this exercise has been proceeding at various levels. There would be an initial exercise of sensitisation of the militias. The Chief of Staff of FANCI, placed in charge, has been in consultations with the identified militias with a view to agreeing an operational plan for their demobilisation and dismantling. The Prime Minister attaches urgency to this task since it has become a pre-condition for guaranteeing the security of Ministers, prospective Presidential candidates and generally cleansing the environment of the threats to the peace process.

Disarmament, Demobilisation and Reintegration Process

10. The DDR now constitutes an engrossing agenda of business in the peace process. Parties to the Agreement have undertaken to work out modalities for the implementation of the National Disarmament, Demobilisation and Reintegration Programme (PNDDR). The role envisaged for the impartial forces is as follows: (i) Ensure the Security of groups moving towards DDR zones (a total of eleven such zones earlier identified); (ii) Ensure the safety and security of DDR zones including provision of armed escorts; (iii) Assist in the collection, storage and further disposal of deposited arms, ammunition and explosives; (iv) Ensure the impermeability of the Zone of Confidence (ZOC); (v) Organise mixed patrolling along with FANCI and FAFN elements to promote confidence-building and a sense of security; (vi) Provide assistance for the reintegration of some MEFN in the restructured National Armed Forces.

(i) Security of the Forces Nouvelles Members of the Government of National Reconciliation

11. The protection of Forces Nouvelles members of the Government is already being carried out by UNOCI to some extent. A plan proposed by the AU Mediator and agreed by the parties signatory to the Pretoria Agreement is based on training courses conducted in South Africa in which a number of ex-FANCI and ex-MEFN are involved. This plan would not be completed before July 2005. Within this

period of time, the strength of SBS might need to be increased as the full complement of Forces Nouvelles Ministers return to Government.

(ii) Security of Areas under control of the Forces Nouvelles during the DDR process

12. The parties, signatories to the Pretoria Agreement, admitted the need to guarantee the security of people and assets in the North. In terms of the Agreement, six hundred military elements from FAFN are to be recruited, trained and subsequently deployed in areas assisted by the Civilian Police component of UNOCI. The training of these elements as security auxiliaries during the DDR process is a revival of a proposal which was to have started as far back as 15 September 2004 and was aimed at providing public order training over a period of 45 days. The training sessions were to be organised jointly between the FAFN, the FDS and the Civilian Police component of UNOCI. As was agreed at the various preparatory meetings prior to September 2004, the 600 FN auxiliaries were to be selected in accordance with the national recruitment criteria for the Police and Gendarmerie. However, the FN insisted that the FN auxiliaries be reintegrated into either the National Police or Gendarmerie after the completion of their police training while the FDS contended that the auxiliaries would have to apply to the Police and Gendarmerie Academies and would be subject to the same yearly quotas as the regular candidates. Both sides argued that the future status of the FN security auxiliaries would have to be resolved by the Prime Minister. It was also agreed that Civpol would assist in the selection and the vetting procedures of the FAFN security auxiliary candidates, in cooperation with the Human Rights section of UNOCI, by investigating the war-time conduct, financial dealings and/or factional activities of the candidates. Pending the full commitment of the parties, it is envisaged that this selection and vetting process would take three months.

13. Previously, it had been agreed among the parties that the FDS would mentor the FN security assisted by UNOCI CivPol, through their mixed patrols in the North during and after the DDR process. Such patrols would have constituted some sort of a catalyst for the redeployment of the State administration to the North. However, the events of last November put the plans on hold. Consequently, it is essential to secure a political agreement and a strong commitment from all parties to guarantee full success in the implementation of the revived proposal.

14. On 20 April 2005, a meeting was held between CNDDR, UNOCI CivPol and the South African mediation team in Abidjan to discuss the following issues: i) the creation of a Coordination Committee on the Training of 600 individuals from FAFN in accordance with Paragraph 6 of the Pretoria Agreement; and ii) the identification of trainers from the Ivorian Defence and Security Forces (FDS). The parties agreed to establish a Coordination Committee (*Comité de Coordination et d'Encadrement de la Formation* - CCEF) which would be chaired by UNOCI CivPol which was also tasked to draft the terms of reference of the Committee. The first CCEF meeting took place on 26 April 2005.

(iii) Bouake meeting on DDR

15. As provided in the Pretoria Agreement, a meeting between the belligerent armed forces was convened in Bouake from 14 to 16 April 2005. Present at this first meeting were the Prime Minister along with various ministers from all the major parties, the two Chiefs of Staff of FANCI and FAFN, the Chairman of the CNDDR and the envoys of President Mbeki with their military and police advisors. Also present were UNOCI's Principal Deputy SRSG, the UNOCI Force Commander, the Civpol Commissioner, the Chief of the DDR Section of UNOCI and the Licorne Force Commander. This first meeting enabled the two belligerent forces to resume dialogue in order to set a date for the start-up of the DDR process. In the final communiqué issued following the second meeting on 16 April, the two belligerent forces agreed on the following issues : (i) the resumption of discussions and activities between both forces; (ii) the organisation of a joint national seminar in Yamoussoukro from 2 to 6 May 2005 to elaborate and validate the National DDR Programme including the restructuring of the National Armed Forces (as originally called for in the Linas-Marcoussis Agreement); (iii) the commencement of the DDR process on 14 May to end on 31 July 2005 as proposed by the CNDDR; (iv) the resumption of the meetings of the Quadripartite Commission (FDS, FAFN, UNOCI, LICORNE). On the issue of the start-up of the DDR process, it was decided that the final time-frame should be determined at the end of the Yamoussoukro seminar.

(iv) Meeting of the Quadripartite Commission

16. On 19 April 2005, the Quadripartite Commission convened in Daoukro to discuss the modalities for the withdrawal of heavy weapons along the frontline

scheduled to start on 21 April 2005. The meeting agreed on the following points: i) the definition of heavy weapons; ii) the identification of regrouping points, and; iii) the timetable and modalities for the withdrawal of such weapons. The parties defined heavy weapons as direct fire weapons of a caliber superior or equal to 20 mm and indirect fire weapons of a caliber superior or equal to 60 mm. Anti-tank weapons, RPG7 and LRAC 89 mm, are not included in this definition. A total of 15 regrouping points have been identified in government-controlled and Forces Nouvelles controlled zones. The ex-belligerent forces agreed to start the withdrawal of heavy weapons along the frontline as from 21 April 2005 up to 24 April 2005. The impartial forces were to lead quadripartite commissions that would undertake control missions in each zone from 25 to 28 April 2005 and on 30 April 2005. A meeting of the Quadripartite Commission was to be convened to evaluate the progress made on the withdrawal of the heavy weapons.

(v) Forces Nouvelles Workshop on DDR

17. In preparation for the national Seminar on DDR in Yamoussoukro from 2 to 5 May 2005, the Forces Nouvelles organised their own internal workshop aimed at defining their position on some of the pending issues such as the restructuring of the army. The workshop (22 to 25 April) was chaired by the FN Secretary General, Mr. Guillaume Soro, with the participation of most of the FN military zone commanders. From the discussions, indications were given that FN were ready to embark on the DDR process and confirmed their commitment to the Joint Operational Plan which had been agreed and signed by the two belligerent forces in January 2004. The main issue under contention, though, related to the reintegration of the former military deserters who formed the FN core group after the failed coup of September 2002. They would like to negotiate a clear reintegration plan which would include a decision on reintegration, readjustment of grade and payment of salary arrears since September 2002. In addition, they requested discussions on the structure of the future national Armed Forces particularly in terms of numbers and regional/ethnic balance. In this regard, they suggested the establishment of a Special Commission on the restructuring of the Armed Forces which should complete its work before the elections. Some FN senior officials also suggested that because of their perception of the lack of confidence in the implementation of the Pretoria Agreement as well as the environment in which the elections would take place, disarmament could only take place after the elections, when the Armed Forces are reunified.

(vi) Yamoussoukro Seminar on DDR

18. Following the meeting held in Bouaké, FDS and FAFN discussed the implementation of the DDR programme at a seminar in Yamoussoukro from 3 to 7 May 2005. The Prime Minister accompanied by the Special Representative of the UN Secretary General and the Special Advisor of President Mbeki opened the meeting. The Seminar was aimed at approving the main components of the DDR programme, including aspects such as the restructuring of the defence forces, the DDR budget and the flowchart of implementation. The CNDDR facilitated the meeting with the participation of the South African mediation, UNOCI and Licorne. In general, all matters pertaining to the Joint Operation Plan approved in January 2004 were endorsed. These include disarmament, demobilization, and social reintegration of ex-combatants and communities affected by the conflict.

19. In another commission meeting dedicated to the restructuring of the defence forces, the following conclusions were reached:

- An audit pertaining to the FDS as well as FAFN would be conducted between 16 May and 16 June 2005;
- A Special Committee tasked with the restructuring of the Defence Forces will have to submit its recommendations by 23 May 2005;
- Transitional measures accompanying the establishment of the restructured defence forces were to be in place as from 19 September 2005.

20. There were also discussions on budget and financing of the programme. FDS and FAFN agreed on the general program timeframes for each specific activity. However, they failed to agree on a starting date. FDS insisted on the necessity to have a launching date for the process while FAFN merely wanted a chronogram, since in their view it was premature at this stage to have a beginning date while preparatory ground work was not completed. This issue was vehemently debated with the South Africa mediation having been called upon to intervene. FDS refused to formally sign the document pertaining to the discussions as long as a date for the start-up of the process had not been agreed. It was then agreed that a launching date would be further discussed and fixed at another meeting on 13 May 2005.

21. The FN explained their position further at a meeting convened by UNOCI before the final session of the Seminar. DDR must be coherent in line with the measures agreed in Yamoussoukro; it must be implemented in a secure environment, outside any military pressure. It should render the belligerents incapable of prosecuting further conflict, hence allowing the political process to proceed unhindered. The process must be irreversible, implying that all envisaged resources for implementation should be available at the outset; the FN refuse to be put under pressure as regards deadlines, since they contend that DDR should be de-linked from the electoral process.

22. On 14 May 2005, a reconvened Yamoussoukro Seminar saw the signing by the Chiefs of Staff of the FDS and the FAFN of an agreement to commence DDR on 27 June 2005 with a detailed timeframe for all phases of the DDR which were to be implemented from June through August 2005. Surprisingly, however, on 18 May in Bouake, later statements from the Chef of Cabinet of the Secretary General of the Forces Nouvelles suggested that the dates were all mere proposals yet to be reviewed by the FN. The position of the FN on DDR was restated as predicated on several conditions: the dismantling of the militias; guarantees over the availability of sufficient funding for the entire DDR process; the review of all the legal texts by the National Assembly as stipulated in the Pretoria Agreement, in particular those of the IEC, the Nationality Code, the identification of citizens, the financing of political parties, the legal regime of audio-visual communication. Needless to say that this statement has cast a shadow over the implementation of the DDR, considered to be critical and a trigger to a movement forward in the peace process. It is expected that some suasive pressure will be applied on all sides to respect the final agreement signed on 14 May 2005 in Yamoussoukro.

(vii) UNOCI Coordination meeting with partners on DDR

23. Coordination meetings have been convened periodically since 21 April 2005 at UNOCI HQ between representatives of UNDP, WFP, ICRC, IOM, and UNFPA. Also attending the meetings were two donor agencies Japan and France, representatives of Licorne and UNOCI Force, and other UNOCI components such as HIV/AIDS, Gender and the Joint Logistic Operation Centre. It may be recalled that the coordination meeting was instituted as a forum to enhance information sharing as well as develop a UN integrated support and strategic planning to respond to the Government's leading role in implementing the DDR programme.

24. At the meeting of 21 April 2005, participants were briefed on the state of discussions to advance the DDR process following the Bouake meetings. Most of the participants expressed concerns about the short timeframe proposed by the CNDDR to complete the DDR process. They also raised concerns on the financing of the entire process. It was pointed out that some funds had already been secured to finance the immediate start-up of the DDR - a portion of the safety net package (French funds through UNDP – 1 million Euros) and a part of the Japanese funds are already being used to rehabilitate some of the DDR sites in the FN controlled area. However, it was expected that as soon as the DDR process commenced, the international community would be more willing to provide additional funds for the DDR programme. The UNFPA representative pointed out that after the November 2004 events, the European Union had put on hold the funds allocated to their sensitisation and voluntary HIV/AIDS test programme. However, they were now renewing negotiations to have the funds released. The WFP representative indicated its willingness to provide food support during the DDR process. Given that some UN agencies were already providing food support, the country representative requested the overall logistic plan in order to identify potential gaps, which would allow further discussions with the CNDDR. Both Licorne and UNOCI military officers raised the issue of troops availability for the DDR process due to the fact that they were already overstretched. They underscored the need for troop reinforcements to provide full support to the DDR process in terms of Security Council Resolution 1528. The representative of the ICRC indicated that some 273 child ex-combatants had been demobilized in Bouake since 2004. ICRC is mainly working on family tracing as well as assisting UNICEF in its child soldiers programme.

(viii) Conference on Small Arms and Light Weapons

25. At the request of the Prime Minister, the UNDP Post-Conflict Unit in collaboration with the DDR Section of UNOCI, organised a conference on Small Arms and Light Weapons (SALW) from 17 to 20 May 2005 in Grand Bassam. The outputs of this conference were:

- Formulation and adoption of a pilot Programme on SALW reduction and control,
- Formulation and adoption of the institutional framework of the National Commission on SALW,
- Formulation and adoption of series of legal documents on SALW control.

Electoral process

26. In order to ensure that free, fair and transparent elections are held, the parties signatories to the Pretoria Agreement agreed to invite the UN to participate in the work of the Independent Electoral Commission and the Constitutional Council. However, consultations are still taking place to determine the extent of UN's involvement in the organization of these elections, the supervisory role of the UN through the appointment of the prospective UN High Representative for Elections in the Independent Electoral Commission, and in the Constitutional Council. (Attached is a letter dated 23 May 2005 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council). An Electoral Assessment Mission has been in Côte d'Ivoire since 21 May to provide the requisite assessment of the situation.

Review of selected legislative texts by the National Assembly

27. The Council of Ministers, at its meeting on 21 April 2005, discussed seven legislative texts to be reviewed by the National Assembly, as well as two decrees relating to the restructuring of the National Radio and Television (RTI). Information received indicated that there were some divergent views in the Council over the mode of reviewing these laws. The matter has had to be referred to President Mbeki for a ruling. Meanwhile, several sessions of the Council had been scheduled to continue with the discussions on these matters. When completed, the texts of legislation were scheduled to be sent by the President to the National Assembly for its consideration. So far only two texts of legislation have been sent to the National Assembly for consideration. These relate to the composition of the Independent Electoral Commission and the public funding of political parties.

28. The first Ordinary Session of the National Assembly opened on 27 April 2005. The debate on some of the adopted legislative texts referred to in the Pretoria Agreement did not figure on the agenda. This was due to the lateness in transmitting the texts to the National Assembly. It is now reported that the Assembly would consider the two texts so far received. Others would be examined as and when received.

Human Rights

29. It is to be noted that the text of legislation on the National Human Rights Commission which is subject to review was not among the texts considered by the Council of Ministers on 21 April 2005. The fate of this text is yet to be determined.

Humanitarian Assistance, Economic Recovery and Reconstruction

30. The protracted political crisis in Côte d'Ivoire has left the country partitioned into three separate parts, beset with specific challenges. However, a common denominator for the humanitarian community is the protection of civilians in this conflict. While the government-held area continues to be the breadbasket of the country and still provides some economic opportunities despite a severe recession, impunity in large measure seems to have taken root. In the Forces Nouvelles-controlled areas, there is a complete absence of State authority. Despite feeble attempts to organize themselves, however, there is no rule of law and no opportunity for citizens to seek justice. The Zone of Confidence is in a state of lawlessness where there is a legal and administrative void and inhabitants have to face violations of human rights with no recourse to justice. The West of the country (both Government-controlled and FN-controlled areas) is facing a spiral of violence and growing communal conflicts, which in some measure are de-linked from the overall political crisis – as some of the contentious issues predate the political divide centered around the eligibility to run in presidential elections – such as land tenure, competition over resources and heightened ethnic divisions. Needless to say that the proximity of the Liberian border with cross-border movement of arms and armed personnel, reports of recruitment of children, refugees among others, remains a serious challenge to the humanitarian community working in that area.

31. The combination of all these elements creates an unstable and volatile situation, in particular in the West, and constitutes in some instances a hindrance to the work of humanitarian agencies and partners and a threat to the peace process. Meanwhile, women and children bear the brunt of the crisis in many ways, thus calling for innovative approaches to relieve their distress and suffering.

32. However, the Pretoria Agreement provides a ray of hope that once the peace process is back on track, it can open a window of opportunity for the humanitarian and development community to continue their advocacy role and take concrete relief action on critical issues in the field:

a) Access to social services: Education and health

33. Since the political and military upheaval in November 2004, advocacy efforts to ensure that the Government ensures the return of civil servants to run schools and health centers in the FN-controlled areas have failed. With the Pretoria Agreement, it is an opportune time to resume and strengthen advocacy efforts. School exams marking the end of last year's school year have not been organized leaving over 70,000 children in limbo. Meanwhile, the "Comité de sauvetage pour l'école" has been struggling to ensure that schools are functioning in the North, but are faced with huge obstacles such as the lack of qualified teachers, administrative support and very low enrolment levels. As far as health centers are concerned, according to UNICEF, 202 centers have been rehabilitated and equipped out of 229, however many are not functioning for lack of qualified staff.

34. Following calls for the reactivation of Government efforts to resume the redeployment of the administration supported by various development and humanitarian partners, President Gbagbo launched recently consultations in the context of his decision to be committed to the "logique de la réconciliation nationale". Relevant Ministers, representatives of UNOCI and various development and humanitarian agencies are locked in discussions to address these dimensions of the Ivorian crisis.

b) Provision of clean water

35. It is clear that the water supply and treatment system is showing serious strains, and could completely collapse should timely action not be taken. Gradually, many towns and villages, which were regularly supplied with water, are facing serious shortages or complete breakdowns bringing in its wake a host of diseases linked to a lack of clean and potable water. Some towns are more severely affected such as Korhogo, Bouna, Odienne in the North or Guiglo and Man in the West or neighborhoods in Abidjan such as Yopougon and Anyama.

Obsolete equipment, lack of regular maintenance and spare parts and huge cost of investments, in particular in the North, are challenges for the private sector, government and the humanitarian community. There are some encouraging reports that the Forces Nouvelles have agreed to start paying for the consumption of water, thereby allowing for partial cost recovery. It is important to urge donors to ensure appropriate funding of projects to avoid the collapse of the water system, recognizing also the solid work of the ICRC, UNICEF and the EU in this area.

c) Zone of Confidence

36. The Zone of Confidence, manned by UNOCI and Licorne peacekeepers, has not lived up to its name and has become an area, where lawlessness prevails, due to the absence of the police, administrative and judicial systems. Furthermore, the Quadripartite security cell in Bangolo dismantled last year when the Forces Nouvelles pulled out of the Government of National Reconciliation, has left a huge security void. This situation poses several problems to the humanitarian community in terms of access, which is sometimes denied because of lack of security; inter-ethnic tensions are exacerbated leading to attacks and counter-attacks and more importantly when alleged criminals are apprehended it is unclear to whom they should be handed over. As it stands today alleged criminals are released or turned over to authorities with little follow-up from the judicial system, and likewise in the FN areas.

d) Protection

37. Civilians bear the brunt of the crisis and this is demonstrated in the displacement of populations as a result of attacks by unidentified armed men, recruitments into armed groups are being undertaken whether in Abidjan or in the western region or in the FAFN areas, preying on youth and children. Impunity is truly taking root. While the displaced are clamoring to return to their areas of origin, political and electoral manipulation are making their return practically impossible. It is important to initiate reconciliation efforts, grounded in civil society, women and youth groups, to rebuild trust and confidence in and between communities.

e) Regional implications

38. Various reports confirm the involvement of certain neighbouring countries in the Ivorian conflict, which could have a detrimental impact on the peace process, such as import of arms, movement of armed personnel, training in neighboring countries, providing safe havens for some, etc...Therefore, it is imperative to establish an effective system to collect information on what occurs along the borders and within neighbouring countries, and provide a strengthened mandate for greater collaboration and action among the sub-regional peacekeeping operations in Sierra Leone, Liberia, Guinea Bissau and Côte d'Ivoire.

f) Funding of Humanitarian activities

39. The aggressive advocacy for humanitarian funding is paying off. As of now, resources have effectively been mobilized, in CAP, US $ 7.9 million, i.e. 20% of the 39 millions requested (UNICEF: USD 1million, HCR; USD 6,4 million, OCHA: USD 500,000). Besides, WFP got US $ 9.5 million (outside the CAP), from their regional funding mechanism. But overall humanitarian funding remains low and there is an urgent need for increased funding of humanitarian programmes, which should be perceived as critical in supporting the consolidation of the peace process.

IV. Conclusion

40. There are clearly now optimistic perspectives over the peace process in accordance with President Mbeki's Road Map. These perspectives must necessarily be hedged in caution given the nature of such processes. Indeed, some concerns already appear to emerge from the uncertainties in the run-up to the start of the DDR and the divergent views on the revision of certain laws such as those on IEC and Nationality. The electioneering campaign already launched may divert attention from critical issues of the Agreement which demand resolution. It is advisable for the Security Council to focus on putting in place the additional reinforcements and resources needed to enable UN meet its various levels of increased responsibilities in the Ivorian peace process. Beyond the military and other related logistical men and material, there should be decisive action to

establish, as a matter of urgency, UN's new electoral validation mission (the UN High Representative for Elections and Electoral Assistance in the organisation of the elections). Expectedly, there has been the outpouring of relief over the prospects for peace generated by the Pretoria Agreement but the international community must sustain its pressure on all the Ivorian political actors to abide in good faith by their professed commitment. The DDR process is now a watershed in the entire peace momentum. Its progress or otherwise will determine the fate of the hope raised by the Pretoria Agreement. As such, all hands must now be put firmly on deck to ensure that it does not falter.

(*Signed on behalf of the Group*) Ambassador Raph **Uwechue**
Chairman
31 May 2005

Enclosure

[Original: English]

Letter dated 11 April 2005 from the President of South Africa addressed to the President of Côte d'Ivoire

As you are aware, and by agreement with all the Ivorian parties, the AU Mediation on Côte d'Ivoire has been carrying out its work within the framework provided by the Linas-Marcoussis and Accra Agreements.

Chapter III of the Annex to the Linas-Marcoussis Agreement deals with the issue of Eligibility to the Presidency of the Republic. It contains a text approved by all the signatories to the Agreement, which would amend Article 35 of the Constitution of Côte d'Ivoire.

The Ivorian parties and the Mediation are therefore duty bound to ensure that the intention of the text agreed at Linas-Marcoussis is realised, which essentially seeks to respect the principle of inclusivity with regard to the important issue of eligibility to the Presidency.

As on previous occasions since the Linas-Marcoussis Agreement was concluded, during our 3-6 April meeting in South Africa it proved difficult for the Ivorian parties to reach agreement about the steps that should be taken to give effect to the Linas-Marcoussis Agreement concerning Article 35.

For this reason, given the urgent necessity to resolve this matter, as well as the need to honour the commitment made by the signatories of the Linas-Marcoussis Agreement, it has been agreed that the AU Mediator should make a determination on this matter, and act expeditiously to finalise it.

The specific agreement in this regard is contained in Paragraph 14 of the April 6, 2005 Pretoria Agreement on the Peace Process in Côte d'Ivoire.

As indicated in this Paragraph, I have consulted both the Chairperson of the African Union, H.E. President Olusegun Obasanjo, and the Secretary General of the United Nations, H.E. Kofi Annan.

They both support the decision reflected in Paragraph 14 and agree that to solve the crisis in Côte d'Ivoire, it is vitally important to respect the substance of the Article 35 constitutional amendment contained in the Linas-Marcoussis Agreement.

They also agree that it is necessary to resolve this matter expeditiously, to enable the peace process to advance speedily and allow for the holding of the Presidential Elections in October 2005.

Consistent with the approach immanent in the Linas-Marcoussis and Accra Agreements, the Mediator is fully conscious of the need to respect the Constitution of Côte d'Ivoire, bearing in mind the adaptations that have to be made to provide for the implementation of the Linas-Marcoussis and Accra Agreements.

In this regard, the Mediator is fully aware of the requirements concerning constitutional amendments affecting the Presidency, as contained in Article 126 of the Constitution of Côte d'Ivoire.

However, the Mediator believes that it is critically important that due consideration should be taken of the prescription contained in Article 127 of the same Constitution, which prohibits any action that might undermine the integrity of the territory of Côte d'Ivoire.

It is a matter of common cause that currently Côte d'Ivoire is divided into two parts that are under the control of different administrations, which undeniably undermines the integrity of the territory.

With reference to Article 48 of the Constitution of Côte d'Ivoire, it is obvious that the integrity of the territory of Côte d'Ivoire is threatened in a serious and immediate manner, and the regular functioning of the constitutional authorities has been interrupted.

As Mediator, and having listened carefully to all the presentations made by the leaders of Côte d'Ivoire, I had to take into account all the constitutional and other matters mentioned above as I considered my determination with regard to Article 35.

In terms of the mandate given to the Mediator in Paragraph 14 of the Pretoria Agreement, I, as Mediator, hereby determine that with reference to the 2005 Presidential Elections, the Constitutional Council should accept the eligibility of the candidates who might be presented by the Political Parties that signed the Linas-Marcoussis Agreement.

However, it is also important that we should respect the rule of law as we give effect to this determination. In this regard, we should not oblige the Constitutional Council to act in an illegal manner. The authorities of Côte d'Ivoire will therefore have to take the necessary steps to give legal force to the Mediator's determination regarding Article 35.

The Mediator therefore requests H.E. President Laurent Gbagbo to use the powers granted to the President in terms of the Constitution of Côte d'Ivoire, in particular Article 48, to give the necessary legal force to the determination stated above.

Article 48 refers to the execution by Côte d'Ivoire of its international commitments, territorial integrity and the regular functioning of the constitutional authorities, all of which bear on the current situation in Côte d'Ivoire.

These provisions, applied to the current situation in Côte d'Ivoire, provide the constitutional basis for the President of the Republic to take the necessary exceptional measures to give legal force to the Mediator's determination on Article 35, after the required consultation with the Presidents of the National Assembly and the Constitutional Council.

The Constitution is the basic law in any country. The Mediator is firmly of the view that the central task facing the Ivorian people is the resolution of the serious emergency that has torn the people and the country apart, led to the death and displacement of many people, as well as the worsening social and economic crisis.

Taking this into account, the Mediator believes that the immediate and urgent challenge confronting the people of Côte d'Ivoire is the achievement of normality and stability through the reunification of the country, the restoration of the state administration in all parts of the country, and the holding of free and fair Presidential and Legislative Elections.

It is only after all these objectives have been achieved that consideration should be given to effecting such amendments to the Constitution of Côte d'Ivoire as may be thought necessary. Only in this way would it be possible to ensure that the constitution-making process helps to consolidate peace, stability, democracy and national unity.

I request that the necessary measures should be taken as soon as possible to give legal force to the determination I have made, implementing the decision of the leaders of Côte d'Ivoire, as reflected in Paragraph 14 of the Pretoria Agreement.

Please accept the assurance of our fraternal consideration.

(*Signed*) Thabo Mbeki